



"Making a Difference"

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

MEETING DATE March 24, 2005	CONTACT/PHONE Martha Neder, AICP 805-781-4576	APPLICANT Port San Luis Harbor District	FILE NO. LRP 2004-00003
SUBJECT Request for a General Plan and Local Coastal Program amendment application (LRP2004-00003 - Port San Luis Harbor District) to amend the San Luis Bay Area Plan to incorporate relevant provisions of the recently updated Port Master Plan, change the Land Use Category of the Cal Poly Pier from Industrial to Public Facilities, and change the Land Use Category of three leasehold sites totaling 12.03 acres within the Harbor Terrace planning sub-area from Agriculture to Public Facilities and include them within the URL/USL. The site is bound by PG&E Diablo Canyon Nuclear Power Plant on the west, the Irish Hills to the north, Avila Beach on the east, and the southerly ocean area three mile seaward. Supervisorial District No. 3			
RECOMMENDED ACTION Recommend to the Board of Supervisors: <ol style="list-style-type: none">1. Review and consider the certified Final Environmental Impact Report and Negative Declaration and adopt the findings listed in exhibits A and B in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.)2. Approval of General Plan amendment LRP 2004-0003 as shown in Exhibits LRP 2004-00003:C, D, and E based on the recommended findings listed in this report.			
ENVIRONMENTAL DETERMINATION The proposed project is consistent with the previously certified EIR for the Port San Luis Harbor District Port Master Plan and Negative Declaration for a Local Coastal Plan Amendment with the Port Harbor District acting as the lead agency under CEQA. This General Plan and Local Coastal Program amendment environmental determination is recorded under ED04-384.			
LAND USE CATEGORY Public Facilities, Industrial, Agriculture, Recreation	COMBINING DESIGNATION Flood Hazard, Sensitive Resource Area, Geologic Study Area, Energy and Extractive Area, Visitor Serving Area, Historic, Archaeologically Sensitive, Local Coastal Plan	ASSESSOR PARCEL NUMBER 076-172-012, various	SUPERVISOR DISTRICT(S) ① ② ③ ④ ⑤
PLANNING AREA STANDARDS: Use limitations			
EXISTING USES: Port facilities, including Harford Pier, boat launch ramps, boat storage, commercial lease spaces, Harbor District offices			
SURROUNDING LAND USE CATEGORIES AND USES: North: Irish Hills/ (Agriculture) South: Pacific Ocean East: Avila Beach/ (Commercial Retail) West: PG&E Diablo Canyon Nuclear Power Plant/ (Agriculture)			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Public Works, CDF, APCD, General Service/Parks, Avila CSD, Avila Fire, San Miguelito Water Company, San Luis Coastal, Cal Trans, RWQCB, State Lands Commission, Fish and Game, Coastal Commission, State Parks, PG&E, and Avila Valley Advisory Council (AVAC).	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Varied habitats from marine to terrestrial. Majority is ruderal vegetation
PROPOSED SERVICES: Water supply: Avila Valley Community Services District Sewage Disposal: Avila Valley Community Services District Fire Protection: Avila Fire	ACCEPTANCE DATE: October 26, 2004

PROJECT BRIEF

Land use within the Port San Luis Harbor District is governed by three inter-related and overlapping jurisdictions. Areas seaward of the mean high tide line fall within the use jurisdiction of the Harbor District who govern land use in accordance with its 1983 Port Master Plan and 2003 Harbor District Code of Ordinances. The Coastal Commission and Army Corps of Engineers have permitting jurisdiction below the mean high tide line. Landward of the mean high tide line falls under permitting jurisdiction of San Luis Obispo County through its adopted General Plan and Local Coastal Program. The Port facilities fall entirely within the boundaries of the San Luis Bay - Coastal Area Plan.

Although other Port Districts elsewhere in California have their own LCP, Port San Luis does not. Instead, the Port San Luis Master Plan is included within the County's LCP. Any changes to the Port Master Plan need to be incorporated into the County's LCP and approved by the Coastal Commission. The applicant-initiated portion of this amendment would incorporate relevant provisions of the Port San Luis Harbor District Port Master Plan of 2004 into the San Luis Bay - Coastal Area Plan.

AUTHORITY

Land Use Element and Local Coastal Program Amendment

The Land Use Element and Local Coastal Program sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Board in making their decision, pursuant to the Land Use Element and Local Coastal Program:

- a. ***Necessity.*** Relationship to other existing policies, including the guidelines for land use category amendments in Chapter 6, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. ***Timing.*** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. ***Vicinity.*** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical

conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.

- d. Cumulative effects of the request.** *Individual property owner requests for changes are evaluated in view of existing buildout, current population and resource capacity conditions, and other important information developed as part of the update process.*

General Plan Considerations

Guidelines for Land Use Category Amendments - Land Use Element/Local Coastal Plan

The proposed amendment meets these guidelines as set forth in the Land Use Element and Local Coastal Program as the proposed changes is consistent with Guidelines for Coastal Zone Land Use Ordinance, LUE Planning Area Standards, and Land Use Category Amendments which include: consistency with the existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, whether the site is suitable for on-site sewage disposal and has an adequate groundwater supply, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Proposed Land Use Category Amendments

Cal Poly Pier

The Cal Poly pier is currently located within the Industrial land use category. The Industrial land use category was appropriate when the pier was used for the transfer of petroleum products. In 2001, Unocal gifted the pier to Cal Poly for use as a Marine Research and Education Facility. The Public Facilities land use category is more appropriate for use of the pier for educational purposes by Cal Poly.

Harbor Terrace Area

Three leasehold sites totaling 12.03 acres within the Harbor Terrace planning sub-area are currently within the Agriculture land use category and outside of the URL/USL. These properties are leased to the District from PG&E under a long-term lease agreement which allows the District to use the property for public facilities consistent with its adopted Master Plan. These properties have been leased to the District since the mid 1970s and intended for development with public facilities since that time. Portions of these properties have been used by the District for many years for boat and gear storage and one of the parcels contains the District's water storage tank.

The land use categories and URL/USL were mapped in 1980 as part of the original adoption of the County's Land Use Element. At that time, it was the intention of the County to include lands used by the District for its operations. To this end, the County queried parcels under District ownership and designated those as Public Facilities and included them inside the URL/USL. The County was not aware that District operations at that time and continuing today, actually extended beyond District owned properties. Because the District did not own these properties they did not appear in the query in order to be mapped as Public Facilities inside the URL/USL.

This oversight went undetected for over 20 years. It was not until preparing exhibits for this application that the mapping error was recognized. This amendment would correct a mapping designation error that incorrectly placed lands used as public facilities in the Agriculture land use category and outside of the URL/USL. The Public Facilities land use category is more appropriate for these properties as they are committed to public facility uses and under a long-term lease with the District intended for development with public facilities. These properties also satisfy the specialized site location required for visibility and accessibility to users.

Text Amendments

Proposed text amendments to the San Luis Bay - Coastal Area Plan are contained in Exhibit LRP2004-00003:C.

All of the Planning Area Standards relating to lands owned or controlled by the Port San Luis Harbor District are proposed to be replaced with relevant provisions of Chapter 3 of the 2004 Port San Luis Master Plan. These proposed amendments update District-wide goals and policies which address development approvals; priorities, services, and facilities; access; aquatic and terrestrial habitats; visual and scenic resources; archaeology; and hazards. Also proposed for amendment are the goals and policies for the seven planning sub-areas; Open Water, Harford Pier, Harford Landing, Beach and Bluffs, Harbor Terrace, Lightstation, and Avila Beach, Pier, and Parking Lot.

Under the title of Industry and Energy development, references to offshore oil development support facilities are proposed to be deleted.

References to the former Unocal Pier, its use for the transfer of petroleum products, and marine terminal development have been deleted from the Planning Area Standards for the Industrial Land Use Category as the pier is recommended to be changed to the Public Facilities land use category and be used for educational purposes. The Unocal Pier is now referred to as the Cal Poly Pier.

General Goals

Applicable general goals of the Land Use Element/Local Coastal Plan include: maintain and protect a living environment that is safe, healthful by replenishing renewable resources; preserve and protect air quality of the county; encourage an urban environment that is an orderly arrangement of building, structures and open space appropriate to the size and scale of development for each community; designate a pattern of strategically located commercial areas compatible with overall land use that is convenient to the public, realistically related to market demand and the needs of the community; preserve and enhance visitor opportunities in appropriate locations as an important part of the coastal economy and integrate land use and transportation planning. The proposed amendment meets these goals.

Purpose and Character Statements

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element/Local Coastal Plan of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site. These statements identify suitable features or conditions for the location, extent and timing of designating a land use category. The proposed text changes are consistent with the Public Facilities and Recreation land use category purpose and character statements.

The purpose statements for the Public Facilities land use category include: identifying lands and structures committed to public facilities and public agency uses that benefit the public; provision of areas for development of public facilities to meet public needs; and identifying sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area. The character of Public Facility land is described as being: areas with existing public or quasi-public facilities and uses or publically-owned lands intended for development with public facilities; areas that satisfy the specialized site location requirements of public agencies; and areas without known natural or man-made hazards.

In 2001, Unocal gifted the pier to Cal Poly for use as a Marine Research and Education Facility. The public facility is existing and used for educational purposes by Cal Poly. The pier satisfies specialized site location requirements of Cal Poly for use as a Marine Research and Education

Facility. Therefore, the Cal Poly pier is consistent with the purpose and character statements for the Public Facility land use category.

The leasehold properties within the Harbor Terrace planning sub-area are committed to public facility uses and under a long-term lease with the District intended for development with public facilities. These properties also satisfy the specialized site location required for visibility and accessibility to users. Therefore, these properties are consistent with the purpose and character statements for the Public Facility land use category.

San Luis Bay - Coastal Area Plan

The project site is located within the Avila Beach Urban Area. The proposed amendments to the San Luis Bay - Coastal Area Plan are consistent with the intent of the existing plan. Please see Chapter 4: Environmental and Regulatory Setting/Consistency with Adopted Plans of the Final EIR for a detailed analysis of consistency with the San Luis Bay - Coastal Area Plan.

Coastal Zone Land Use Ordinance

The proposed amendments to the San Luis Bay - Coastal Area Plan are consistent with the Coastal Zone Land Use Ordinance. Please see Chapter 4: Environmental and Regulatory Setting/Consistency with Adopted Plans of the Final EIR and the Negative Declaration for a Local Coastal Plan Amendment for a detailed analysis.

Coastal Plan Policies

The proposed amendments to the San Luis Bay - Coastal Area Plan are consistent with the Coastal Plan Policies. Please see Chapter 4: Environmental and Regulatory Setting/Consistency with Adopted Plans of the Final EIR and the Negative Declaration for a Local Coastal Plan Amendment for a detailed analysis of consistency with the Coastal Plan Policies and Master Plan Appendix E: Coastal Act Consistency Checklist for a Coastal Act consistency summary.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The proposed project is consistent with the previously certified EIR for the Port San Luis Harbor District Port Master Plan and Negative Declaration for a Local Coastal Plan Amendment with the Port Harbor District acting as the lead agency under CEQA. The County, acting as a Responsible Agency under the California Environmental Quality Act (CEQA), adopts the findings and statements of overriding considerations as shown in Exhibit B attached hereto and incorporated by reference herein as though set forth in full, prepared and adopted by the Port San Luis Harbor District, acting as the Lead Agency under CEQA, in accordance with CEQA guidelines, PR Code Sections 15096, 15091, and 15093.

Amendment

- B. The proposed amendments are consistent with the Land Use Element and other adopted elements of the general plan.
- C. The proposed amendment is consistent with the guidelines for amendments to the Land Use Element as the site will be used and developed consistent with the applicable policies of the general plan and the site can physically accommodate the anticipated uses.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is consistent with the county's general plan.
- E. The proposed amendment is consistent with the purpose and character statements in the Land Use Element of the general plan for the Public Facilities and Recreation land use categories as it will provide for development of facilities to meet public and recreational needs, the Cal Poly pier satisfies specialized site location requirements of Cal Poly for use as a Marine Research and Education Facility, and the leasehold properties within the Harbor Terrace planning sub-area are committed to public facility uses and under a long-term lease with the District intended for development with public facilities.

CEQA Findings and Statement of Overriding Considerations

Exhibit B as adopted by the Port San Luis Harbor District contains the required CEQA Findings and Statement of Overriding Considerations.

CEQA FINDINGS - EXHIBIT B**Findings of Fact, Statement of Overriding Consideration
& Mitigation Monitoring Program****I. The Final Environmental Impact Report**

The Final EIR consists of the Draft EIR, the responses to comments on the Draft EIR, a list of persons and agencies commenting on the Draft EIR, the Mitigation Monitoring Program, these findings of fact, the Staff Reports and any associated attachments.

The County of San Luis Obispo finds that the changes or alterations have been incorporated into the project to mitigate or avoid significant impacts. These changes or alterations include mitigation measures and project modifications outlines herein and set forth in more detail in the April 2004 Final EIR.

II. Project Description

The following summary description is excerpted from Chapter 3 of the Final EIR for the Port Master Plan, which is incorporated herein by this reference.

The 2003 Draft Port San Luis Harbor District Port Master Plan (incorporated herein by reference and available for review at the Port San Luis Harbor District) fulfills the requirements of the California Coastal Act and the State Tidelands Grant (Chapters 647 of Statutes of 1955 and as amended by Chapter 302 of Statutes of 1957) which require the preparation of a plan for the use and management of Harbor District facilities and resources. The most recent Port Master Plan was prepared in 1984 and subsequently updated in 1994 to address a variety of issues, including the development of the Harbor Terrace site. The 2003 update responds to changing opportunities for the use and development of the Harbor District's properties to meet the present and future needs of the boating public.

The stated objectives of the draft Master Plan are:

- A. Meet Coastal Act priorities for the Harbor, especially the protection of coastal-dependent and coastal-related activities, visitor serving and waterfront recreation opportunities, and public access to the coast;
- B. Promote and facilitate the orderly and beneficial development and use of District lands, facilities and resources;
- C. Provide land and water uses that are beneficial to the people of the State of California;
- D. Increase revenue-producing opportunities to support the Harbor District's public and enterprise functions; and
- E. Enhance and maintain the maritime character of the harbor.

These objectives are summarized in the following overall goal for the Master Plan:

Port San Luis should be a harbor with protected, maintained, and enhanced resources that balances the environmental, social, and economic needs of the District and the various user groups.

The 2003 draft Port Master Plan provides an overview of the Harbor District and its facilities, the challenges faced by the Harbor District in serving the needs of the boating public, and establishes policies and implementation programs to meet these challenges. Among the planning challenges identified in the Draft Master Plan are:

- Fiscal considerations in meeting the Harbor District's ongoing obligations to the public;
- Meeting the needs of both coastal related and coastal dependent uses of Harbor District land and facilities;
- Environmental protection;
- Coastal access;
- Public services;
- Safety;

The Draft Master Plan includes a preface and four topical chapters which are summarized below:

Preface. The preface describes the purpose and intent of the Master Plan, how it is organized, and the process through which the Plan was prepared and adopted.

Chapter 1: Plan Objectives and Challenges. Chapter 1 describes the overall objectives of the Master Plan and the many challenges facing the Harbor District.

Chapter 2: History and Planning Sub-Area Descriptions. Chapter 2 provides a brief history of Port San Luis as the context for past and future planning efforts. Chapter 2 also divides the Harbor District properties into eight planning sub-areas for which specific policies and improvements will be identified in Chapters 3 and 4, respectively.

Chapter 3: Policy Master Plan. This chapter of the Master Plan provides goals and policies to guide future decision making for the use and development of Harbor District property and facilities. The Master Plan distinguishes between goals and policies that apply District-wide and those that are specific to each planning sub-area. Master Plan policies address a wide range of issues, including:

- Setting priorities for services and facilities among coastal dependent, coastal related and other uses;
- Coastal access and access to Harbor District facilities;
- The protection of terrestrial and marine resources;
- Visual and scenic resources;
- Cultural resources;
- Natural and human-made hazards;

Policies specific to each of the planning sub-areas address a similarly broad range of topics.

Chapter 4: Improvements and Implementation. Chapter 4 identifies specific improvement projects for each of the eight planning sub-areas which are intended to achieve the vision for the Harbor District articulated by the goals and policies of Chapter 3. Figures 3-8 through 3-14 illustrate the recommended improvements, which are summarized on Table 3-2. Where applicable, the size/quantity of improvements are provided as well as the time frame for implementation. Chapter 4 also discusses the development review process and funding strategies to pay for the various improvements.

Appendix. The appendices contain a glossary of terms used in the Master Plan; a coastal access plan (required by the Coastal Act); maps illustrating the existing and proposed boundaries of land use

permitting authorities; a needs assessment which guided the preparation of the draft Plan; a Coastal Act consistency checklist; guidelines for the design of new development on Harford Pier; an excerpt from Table "O" from the San Luis Obispo County Coastal Zone Land Use Ordinance; and a list of references.

III. The Record

The California Code of Regulations, Title 14, Section 15091 (b) requires that the Board of Harbor Commissioners' (Board) findings be supported by substantial evidence in the record. Accordingly, the Board's record consists of the following, which are located at the Port San Luis Harbor District offices, Pier No. 3, Avila Beach Drive, Avila Beach, CA:

Documentary and oral evidence, testimony, and staff comments and responses received and reviewed by the Board during public hearings on the project.

- A. Crawford Multari & Clark Associates (2004) Draft and Final Environmental Impact Report for the Port San Luis Harbor District Master Plan.
- B. Arthur D. Little, 1997, Unocal Avila Beach Clean Up Project Draft Environmental Impact Report
- C. C.M Harris (1991) Handbook of Noise Control.
- D. California Coastal Act of 1976
- E. City of San Luis Obispo (1992) Water Demand Factors.
- F. County of San Luis Obispo (1991) General Plan Noise Element.
- G. County of San Luis Obispo *Coastal Zone Land Use Ordinance*.
- H. Dibblee, T.W. Jr. (1974), "Geologic Map of the San Luis Obispo 15 Minute Quadrangle, California", US Geological Survey Open-File Map, Scale 1:62,000.
- I. Dibblee, T.W. Jr. (1976), "The Rinconada and Related Faults in the Southern Coast Ranges, California and Their Tectonic Significance", US Geological Survey Professional Paper 981.
- J. Douglas Wood & Associates, 2003, *Diablo Canyon Nuclear Power Plant Emergency Response Plan Evaluation*
- K. Earth Systems Consultants Northern California, February, 1997, Geologic Hazard Study, Harbor Terrace, port San Luis California
- L. Environmental Protection Agency (1971), Noise Generation from Construction Equipment and Operations, Building Equipment and Home Appliances, NTIP 300-1.
- M. Gibson Archaeological Consulting, 1996, *Results of Phase I Archaeological Surface Survey of the Harbor Terrace Project*
- N. Grant, Campbell (1978), Chumash: Introduction. In Handbook of North American Indians, California, Vol. 8. Edited by Robert F. Heizer, Smithsonian Institution, Washington D.C..

- O. Hall, E.R. 1981. The Mammals of North America. John Wiley & Sons. New York, NY.
- P. Hansen, M. 1993. Wildlife and San Luis Bay Estates. Prepared for SEDES. San Luis Obispo, California.
- Q. Harrison, William M. (1964), Prehistory of the Santa Barbara Coast, California. Doctoral Dissertation, University Microfilms, Ann Arbor, Michigan.
- R. Hickman, J.C. 1993. The Jepson Manual, Higher Plants of California. University of California Press. Berkeley, CA.
- S. Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game, Non-Game Heritage Program. Sacramento, CA.
- T. Jennings, M.R. 1983. An Annotated Checklist of the Amphibians and Reptiles of California. California Fish and Game 69(3):151.
- U. King, Chester (1990), The Evolution of Chumash Society: A Comparative Study of Artifacts Used in the Social Maintenance of the Santa Barbara Channel Islands Region Before A.D. 1804. Garland Publishing, Inc., New York.
- V. Krieger, Daniel E. (1990), Looking Backward into the Middle Kingdom, San Luis Obispo County. Windsor Publications, Inc., Chatsworth, California.
- W. Lieberstein, T. 1987. Wildlife Corridor Design: A Case Study for Los Angeles and Ventura Counties. Part III in a Series-Biogeography and the Zoo.
- X. Rincon Consultants, 1996, *Limited Health Risk and Environmental Risk Assessment Report*
- Y. National Oceanic and Atmospheric Administration. 1996. Status Review of West Coast Steelhead. Northwest Fisheries Science Center, Technical Memo 27.
- Z. Natural Diversity Data Base (NDDDB). 1999. RAREFIND Output for the San Luis Obispo 7.5 Minute Quadrangle. California Department of Fish and Game. Sacramento, CA.
- AA. Rogers, David Banks (1929) Prehistoric Man on the Santa Barbara Coast. Santa Barbara Museum of Natural History.
- BB. San Luis Bay Area Plan, Coastal Element
- CC. San Luis Obispo County Air Pollution Control District. 2000. CEQA Air Quality Handbook, A Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review.
- DD. San Luis Obispo County Air Pollution Control District. 2000. Clean Air Plan, San Luis Obispo County.
- EE. San Luis Obispo County, 1994 *San Luis Obispo County/Cities Emergency Response Plan*
- FF. Sawyer, John O. and Todd Keeler-Wolf. 1995. A Manual of California Vegetation. Prepared for the California native Plant Society.

- GG. Scientific Applications International Corporation, 1997, *Biological Resources Evaluation for the Harbor Terrace Project*
- HH. Skinner, Mark W. and Bruce M. Pavlik. 1994. Inventory of Rare and Endangered Vascular Plants of California. Special Publication No. 1. California Native Plant Society. Sacramento, CA.
- II. U.S. Environmental Protection Agency. 1991. Nonroad Engine and Vehicle Emission Study. EPA 460/3-91-02.
- JJ. U.S. Environmental Protection Agency. 1995. Compilation of Air Pollutant Emission Factors (AP-42), Volume I.
- KK. United States Fish and Wildlife Service. 1997. 1996 National Summary: National List of Vascular Plants that Occur in Wetlands.
- LL. Wallace, William J. (1955), A Suggested Chronology for Southern California Coastal Archaeology. In *Southwestern Journal of Anthropology* 11(3):59-77.
- MM. Warren, Claude N. (1968), Cultural Tradition and Ecological Adaptation on the Southern California Coast. In *Eastern New Mexico University, Contributions in Anthropology* 1(3):1-15.
- NN. Wilbur Smith Associates, 2002, *Final Report – Evacuation Time Assessment for Transient and Permanent Population from Various Areas Within the Plume Exposure Pathway Emergency Planning Zone, Diablo Canyon Power Plant, 2002 Update*
- OO. Yosef, R. 1994. The Effects of Fencelines on the Reproductive Success of Loggerhead Shrikes. *Conservation Biology* 8-1:218.
- PP. Zeiner, David C., William F. Laudenslayer, Jr. and Kenneth E. Mayer. 1988. California's Wildlife, Volume I, Amphibians and Reptiles. California Department of Fish and Game. Sacramento, CA.
- QQ. Zeiner, David C., William F. Laudenslayer, Jr., Kenneth E. Mayer, and Marshall White. 1990a. California's Wildlife, Volume II, Birds. California Department of Fish and Game. Sacramento, CA.
- RR. Zeiner, David C., William F. Laudenslayer, Jr., Kenneth E. Mayer, and Marshall White. 1990b. California's Wildlife, Volume III, Mammals. California Department of Fish and Game. Sacramento, CA.
- SS. Matters of common knowledge to the Board which it considers, such as:
- The County General Plan, including land use maps and elements thereof;
 - The text of the Land Use Element and Coastal Zone Land Use Ordinance;
 - The California Environmental Quality Act (CEQA) and the State CEQA Guidelines implementing the Act;
 - The Port San Luis Harbor District Code of Ordinances;
 - Other formally adopted policies of the Board of Commissioners and County of San Luis Obispo;

IV. Certification of the Final Environmental Impact Report for the Port Master Plan

The Board of Supervisors recognizes the Board of Commissioners of the Port San Luis Harbor District certified the April 27, 2004 Final Environmental Impact Report for the Port Master Plan based on the following findings A through J:

A. The Board of Commissioners has reviewed and considered the following documents:

Crawford Multari & Clark Associates, April 2004 Final Environmental Impact Report for the Port Master Plan.

Arthur D. Little, 1997, Unocal Avila Beach Clean Up Project Draft Environmental Impact Report

C.M Harris (1991) Handbook of Noise Control.

California Coastal Act of 1976

City of San Luis Obispo (1992) Water Demand Factors.

County of San Luis Obispo (1991) General Plan Noise Element.

County of San Luis Obispo *Coastal Zone Land Use Ordinance*.

Dibblee, T.W. Jr. (1974), "Geologic Map of the San Luis Obispo 15 Minute Quadrangle, California", US Geological Survey Open-File Map, Scale 1:62,000.

Dibblee, T.W. Jr. (1976), "The Rinconada and Related Faults in the Southern Coast Ranges, California and Their Tectonic Significance", US Geological Survey Professional Paper 981.

Douglas Wood & Associates, 2003, *Diablo Canyon Nuclear Power Plant Emergency Response Plan Evaluation*

Earth Systems Consultants Northern California, February, 1997, Geologic Hazard Study, Harbor Terrace, port San Luis California

Environmental Protection Agency (1971), Noise Generation from Construction Equipment and Operations, Building Equipment and Home Appliances, NTIP 300-1.

Gibson Archaeological Consulting, 1996, *Results of Phase I Archaeological Surface Survey of the Harbor Terrace Project*

Grant, Campbell (1978), Chumash: Introduction. In Handbook of North American Indians, California, Vol. 8. Edited by Robert F. Heizer, Smithsonian Institution, Washington D.C..

Hall, E.R. 1981. The Mammals of North America. John Wiley & Sons. New York, NY.

Hansen, M. 1993. Wildlife and San Luis Bay Estates. Prepared for SEDES. San Luis Obispo, California.

Harrison, William M. (1964), Prehistory of the Santa Barbara Coast, California. Doctoral Dissertation, University Microfilms, Ann Arbor, Michigan.

Hickman, J.C. 1993. The Jepson Manual, Higher Plants of California. University of California Press. Berkeley, CA.

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game, Non-Game Heritage Program. Sacramento, CA.

Jennings, M.R. 1983. An Annotated Checklist of the Amphibians and Reptiles of California. California Fish and Game 69(3):151.

King, Chester (1990), The Evolution of Chumash Society: A Comparative Study of Artifacts Used in the Social Maintenance of the Santa Barbara Channel Islands Region Before A.D. 1804. Garland Publishing, Inc., New York.

Krieger, Daniel E. (1990), Looking Backward into the Middle Kingdom, San Luis Obispo County. Windsor Publications, Inc., Chatsworth, California.

Lieberstein, T. 1987. Wildlife Corridor Design: A Case Study for Los Angeles and Ventura Counties. Part III in a Series-Biogeography and the Zoo.

Rincon Consultants, 1996, *Limited Health Risk and Environmental Risk Assessment Report*

National Oceanic and Atmospheric Administration. 1996. Status Review of West Coast Steelhead. Northwest Fisheries Science Center, Technical Memo 27.

Natural Diversity Data Base (NDDB). 1999. RAREFIND Output for the San Luis Obispo 7.5 Minute Quadrangle. California Department of Fish and Game. Sacramento, CA.

Rogers, David Banks (1929) Prehistoric Man on the Santa Barbara Coast. Santa Barbara Museum of Natural History.

San Luis Bay Area Plan, Coastal Element

San Luis Obispo County Air Pollution Control District. 2000. CEQA Air Quality Handbook, A Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review.

San Luis Obispo County Air Pollution Control District. 2000. Clean Air Plan, San Luis Obispo County.

San Luis Obispo County, 1994 *San Luis Obispo County/Cities Emergency Response Plan*

Sawyer, John O. and Todd Keeler-Wolf. 1995. A Manual of California Vegetation. Prepared for the California native Plant Society.

Scientific Applications International Corporation, 1997, *Biological Resources Evaluation for the Harbor Terrace Project*

- Skinner, Mark W. and Bruce M. Pavlik. 1994. Inventory of Rare and Endangered Vascular Plants of California. Special Publication No. 1. California Native Plant Society. Sacramento, CA.
- U.S. Environmental Protection Agency. 1991. Nonroad Engine and Vehicle Emission Study. EPA 460/3-91-02.
- U.S. Environmental Protection Agency. 1995. Compilation of Air Pollutant Emission Factors (AP-42), Volume I.
- United States Fish and Wildlife Service. 1997. 1996 National Summary: National List of Vascular Plants that Occur in Wetlands.
- Wallace, William J. (1955), A Suggested Chronology for Southern California Coastal Archaeology. In *Southwestern Journal of Anthropology* 11(3):59-77.
- Warren, Claude N. (1968), Cultural Tradition and Ecological Adaptation on the Southern California Coast. In *Eastern New Mexico University, Contributions in Anthropology* 1(3):1-15.
- Wilbur Smith Associates, 2002, *Final Report – Evacuation Time Assessment for Transient and Permanent Population from Various Areas Within the Plume Exposure Pathway Emergency Planning Zone, Diablo Canyon Power Plant, 2002 Update*
- Yosef, R. 1994. The Effects of Fencelines on the Reproductive Success of Loggerhead Shrikes. *Conservation Biology* 8-1:218.
- Zeiner, David C., William F. Laudenslayer, Jr. and Kenneth E. Mayer. 1988. California's Wildlife, Volume I, Amphibians and Reptiles. California Department of Fish and Game. Sacramento, CA.
- Zeiner, David C., William F. Laudenslayer, Jr., Kenneth E. Mayer, and Marshall White. 1990a. California's Wildlife, Volume II, Birds. California Department of Fish and Game. Sacramento, CA.
- Zeiner, David C., William F. Laudenslayer, Jr., Kenneth E. Mayer, and Marshall White. 1990b. California's Wildlife, Volume III, Mammals. California Department of Fish and Game. Sacramento, CA.
- B. The Board of Commissioners finds and certifies that the April 27, 2004 *Draft Environmental Impact Report for the Port Master Plan* has been prepared and circulated as required by the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the rules governing environmental review of the Port San Luis Harbor District.
- C. The Board of Commissioners finds and certifies that the *Final Environmental Impact Report for the Port Master Plan*, which is incorporated herein by this reference has been prepared and completed in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the rules governing environmental review of the Port San Luis Harbor District.
- D. The Board of Commissioners finds and certifies that the April 27, 2004 *Final Environmental Impact Report for the Port Master Plan* and all related public comments and responses have been presented to the Board of Commissioners.

- E. The Board of Commissioners has considered the information contained in the April 27, 2004 *Final Environmental Impact Report for the Port Master Plan*, the public comments and responses previously submitted, and the public comments and information presented at the public hearings.
- F. All information was considered by the Board of Commissioners before taking an action on the project.
- G. The Board of Commissioners finds and certifies that the April, 2004 *Final Environmental Impact Report for the Port Master Plan* reflects the independent judgment and analysis of the Board acting as lead agency for the project.
- H. The Board of Commissioners hereby finds and determines that implementation of the Port Master Plan may have a significant adverse effect on the environment.
- I. The Board of Commissioners hereby finds with respect to the adverse environmental impacts detailed in the Final EIR:
- a. That, based on information set forth in the Final EIR, the Findings of Fact, the list of mitigation measures included in the mitigation monitoring program (Section XI.), the Board of Commissioners finds and determines that changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the adverse environmental effects identified in the Final EIR for:

Geology	Cultural Resources	Noise
Public Services	Biological resources	Traffic and Circulation
Air Quality	Visual Resources	Hazardous Materials
Growth Inducing Impacts	Cumulative Impacts	
 - b. That, based on information set forth in the Final EIR and in the Findings of Fact, the adverse environmental effects related to construction related air quality impacts, and cumulative traffic impacts to Highway 101 are significant effects which cannot be entirely mitigated or avoided if the project is approved and implemented;
 - c. That no additional adverse impacts will have a significant effect or will result in substantial or potentially substantial adverse changes in the environment as a result of the Port Master Plan.
- J. The Board of Commissioners hereby finds and determines that:
1. All significant effects (except construction related air quality impacts and cumulative traffic impacts to Highway 101) that can be feasibly avoided have been eliminated or substantially lessened as determined through the findings set forth in Section VII.;
 2. Based on the Final EIR and the Findings of Fact and other documents in the record, specific economic, social and other considerations make infeasible other project alternatives identified in the Final EIR;
 3. Based on the Final EIR and the Findings of Fact, and other documents in the record, the remaining unavoidable significant environmental effects of the Port Master Plan are outweighed

and overridden by the benefits of the project as described in the Statement of Overriding Considerations.

4. Should the final design of projects anticipated by the Port Master Plan have the potential to result in adverse environmental impacts that are not anticipated or addressed by the April, 2004 Final EIR, subsequent environmental review shall be required in accordance with CEQA Guidelines Section 15162(a).

V. Statement of Overriding Consideration

The Final EIR has identified and discussed significant effects which will occur as a result of the activities and facilities contemplated by the Port Master Plan. With the implementation of the mitigation measures identified in the Final EIR, these effects can be mitigated to a level of insignificance except for construction related air quality impacts and cumulative traffic impacts to Highway 101.

Having reduced the effects of the proposed project by adopting the other mitigation measures and a program to monitor mitigation measures for certain project-related impacts, and having balanced the benefits of the project against the project's unavoidable adverse impacts, the Board of Supervisors finds that the benefits of the proposed project outweigh these potential unavoidable adverse impacts to the extent that the unavoidable adverse environmental impact becomes "acceptable" based on the following overriding considerations:

Project Objectives

The objectives for the project, as stated by the Port San Luis Harbor District Board of Commissioners, are as follows:

- Meet Coastal Act priorities for the Harbor, especially the protection of coastal-dependent and coastal-related activities, visitor serving and waterfront recreation opportunities, and public access to the coast;
- Promote and facilitate the orderly and beneficial development and use of District lands, facilities and resources;
- Provide land and water uses that are beneficial to the people of the State of California;
- Increase revenue-producing opportunities to support the Harbor District's public and enterprise functions; and
- Enhance and maintain the maritime character of the harbor.

These objectives are summarized in the following overall goal for the Master Plan:

Port San Luis should be a harbor with protected, maintained, and enhanced resources that balances the environmental, social, and economic needs of the District and the various user groups.

The Port San Luis Harbor District is obligated by State law to provide facilities and services to serve the boating public within the mandates of the California Coastal Act, the Harbors and Navigations Code, the California Government Code, the Public Resources Code and other applicable laws and regulations. To meet these objectives, the Harbor District must construct facilities, make improvements to existing facilities, and manage its resources in a manner that balances the needs of the boating public with the resource protection goals of these various laws. In addition, the District can only meet these obligations if it is financially solvent and capable of funding the various improvements and facilities.

The Coastal Act, for example, favors the development of coastal-dependent uses in proximity to the ocean. Unfortunately, these uses traditionally do not generate sufficient revenues to keep pace with the rising cost of providing these services and facilities. On the other hand, coastal-related uses, such as retail shops and restaurants, are generally financial "winners". The draft Port Master Plan seeks a balance between the two that will enable the Harbor District to meet its obligations to the public while satisfying the provisions of the Coastal Act. The benefits of providing the facilities needed to maintain a safe,

efficient Port that serves the needs of the public is, on balance, more protective of coastal resources and outweighs the significant and unavoidable adverse impacts associated with the project.

Therefore, the County of San Luis Obispo makes specific findings of overriding considerations pursuant to CEQA Guidelines, Section 15093[c]. Based on these findings, and in compliance with the California Environmental Quality Act, the School District finds the project may: 1) have a significant effect on the environment, 2) that these effects will not be eliminated or substantially lessened by feasible mitigation measures, and 3) the remaining significant effects that are unavoidable are acceptable due to overriding concerns.

VI. Potential Environmental Effects Which Area Not Significant

Four categories of impacts are identified in the FEIR:

- Class I. Class I impacts are significant and unavoidable. To approve a project resulting in Class I impacts, the CEQA Guidelines require decision makers to make findings of overriding consideration that "... specific legal, technological, economic, social, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR..."
- Class II. Class II impacts are significant but can be mitigated to a level of insignificance by measures identified in this EIR and the project description. When approving a project with Class II impacts, the decision-makers must make findings that changes or alternatives to the project have been incorporated that reduce the impacts to a less than significant level.
- Class III. Class III impacts are adverse but not significant.
- Class IV. Beneficial impacts.

The following effects are not considered significant.

Geology and Geologic Resources

Impact GEO-1 Although seismic events could result in groundshaking in virtually every planning area, the potential for ground rupture in the Master Plan area is considered low. This impact is considered adverse but not significant (Class III).

Findings: Adverse but not significant.

Supporting Evidence: Geologic investigations of the area, as discussed in the FEIR, reveal that there are no potentially active faults that cross Harbor District property.

Impact GEO-9 Overexcavation of undocumented fill may result in the need to export soils and materials out of the Avila Beach area. This impact is considered adverse but not significant (Class III).

Findings: Adverse but not significant.

Supporting Evidence: The vehicle trips associated with these activities will be temporary and a small percentage of trips on Avila Beach Drive.

Impact GEO-10 **Interference with wave action and current patterns of sand sourcing and deposition is not anticipated under this plan. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

Supporting Evidence: The Master Plan anticipates replacing the former pier near Port San Luis Lightstation. The small number and placement of pilings will not be sufficient in size and number to affect wave action and sand sourcing.

Services

Impact PS-3 **A portion of the increased development accommodated by the draft Master Plan will increase the demand for water. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

Supporting Evidence: The analysis of future cumulative water demand provided on Table 5.5-1 of the FEIR reveals that water demand will remain within the amount allocated to the District and other users.

Impact PS-4 **Buildout of the various facilities accommodated by the Port Master plan will generate additional wastewater that would be collected and treated by the Avila Beach wastewater treatment plant. Increased wastewater generation could adversely impact the wastewater collection system serving the Port, and could secondarily impact the capacity of the wastewater treatment plant. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

Supporting Evidence: The analysis of future cumulative wastewater generation provided on Table 5.5-3 of the FEIR reveals that wastewater collection and treatment capacity will be sufficient to accommodate buildout of the Port Master Plan and other cumulative demand.

Impact PS-6 **Buildout of the Port in accordance with the draft Master Plan will generate additional solid waste which will adversely impact landfill capacity. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

Supporting Evidence: The discussion of solid waste disposal capacity contained in Section 5.5 of the FEIR reveals that sufficient capacity exists in Cold Canyon landfill to accommodate buildout of the Port and cumulative waste generation.

Biological Resources

Impact B-1: Construction of facilities may result in the loss of habitat for special-status plant and animal species or the loss of individuals. This impact is considered adverse but not significant (Class III).

Impact B-5 Construction activities and occupancy of facilities would extend existing human-related disturbance (human presence, wildlife predation by pets, noise, dust, lighting) further into open space areas. This impact is considered adverse but not significant (Class III).

Findings: Adverse but not significant.

Supporting Evidence: The analysis of potential impacts to biological resources provided in Section 5.6 of the FEIR reveals that previous analysis of Port properties identified no special status plant or animal species. Therefore, potential impacts to these resources are considered adverse but not significant from construction and occupancy of facilities. In addition, project-specific environmental analysis will be required if and when these future activities are contemplated.

Noise

Impact N-2 Noise associated with vehicle trips to and from the Port and associated facilities will increase. This impact is considered adverse but not significant (Class III).

Findings: Adverse but not significant.

Supporting Evidence: The analysis of potential noise impacts provided in Section 5.4 of the FEIR reveals that noise levels will increase but will remain within standards set by San Luis Obispo County for nearby sensitive land uses.

Traffic and Circulation

Impact T-3 Additional trips associated with buildout of the Port in accordance with the draft Master Plan could conflict with emergency evacuation plans associated with Diablo Canyon Nuclear Power Plant. This impact is considered adverse but not significant (Class III).

Findings: Adverse but not significant.

Supporting Evidence: The analysis of consistency with adopted plans and policies provided in Section 4.0 reveals that the facilities anticipated by the Master Plan will increase the transient population of the area and will slightly increase the expected time for evacuation in the event of an emergency. However, the estimated increase in

evacuation time is within the margin for error of the model used to predict the evacuation times and is therefore considered less than significant.

Impact T-4 **Development of a 3,000 square foot commercial lease space on the Avila parking lot would remove no more than 17 parking spaces while increasing the demand for parking. In addition, development of a new 4,250 square foot lease space on the Avila Pier terminus will increase the demand for parking. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

Supporting Evidence: The analysis of future parking demand provided by Table 5.7-7 reveals that the number of parking spaces obligated to be maintained by the Port will still be satisfied after removing 17 for the potential development of a lease space in the Avila parking lot.

Impact T-5 **Development of uses accommodated by the draft Master Plan will increase the demand for parking at Port facilities. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

Supporting Evidence: The analysis of future parking demand provided in Section 5.7 of the FEIR reveals that future parking demand will increase at the Port but will be satisfied by providing additional parking and by providing alternative modes of transit to the Port as contemplated by the Avila Circulation Study.

Visual Resources

Impact V-2 **Grading and construction activities and the storage of construction materials may be visible from public vantage points. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

Supporting Evidence: Construction activities will be temporarily visible from public vantage points. This is considered adverse but not significant.

Hazardous Materials

Impact HAZ-1: **Construction and operation of Port facilities and improvements may involve the routine use, storage or transport of limited amounts of hazardous materials which may pose a risk to the environment. This impact is considered adverse but not significant (Class III).**

Findings: Adverse but not significant.

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Supporting Evidence: The use and storage of limited amounts of hazardous materials does not require any special management plans or storage requirements in accordance with State and local laws.

VII. Potential Significant Effects Which Have Been Mitigated to A Level of Insignificance

The mitigation measures identified in the Mitigation Monitoring Program (Section XI.) will result in substantial mitigation of the following effects and that these effects are not considered significant or they have been mitigated to a level of insignificance.

Geology and Geologic Hazards

Impact GEO-2: In a major earthquake on the Los Osos or San Andreas faults, ground accelerations of 0.15g to 0.7g may occur, which would cause significant ground shaking within the Master Plan area resulting in damage to structures and a potential safety hazard to occupants of such structures. This impact is considered significant unless mitigated (Class II).

Mitigation Measures

G-1 Future development shall conform with all applicable requirements of the Uniform Building Code and other applicable construction regulations relating to potential seismic and/or geologic and slope-related hazards.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: Virtually all of California is subject to the effects of seismic events associated with faults such as the San Andreas and Los Osos faults. However, since earthquakes cannot be avoided or predicted, buildings must be constructed to resist their effects. The construction requirements of the Uniform Building Code address this issue.

Impact GEO-3: Portions of the project area may be subject to landslides and/or slope failure. This impact is considered significant unless mitigated (Class II).

Mitigation Measures

G-1 (see above)

G-2 No development shall occur until 1) a geologic investigation has been prepared conforming to Section 3309.6 of the Uniform Building Code, 1994 Edition as amended by pertinent sections of Title 24 of the California Code of Regulations, and standard geologic practice; and 2) a Geotechnical Engineering Investigation has been prepared conforming to Section 3309.5 of the Uniform Building Code, 1994 Edition as amended by pertinent sections of Title 24 of the California Code of Regulations, and standard geologic practice. The contents of these investigations are described below:

- a. The geologic investigation shall be conducted by a certified Engineering Geologist, which at a minimum, shall address the following: the extent, depths, configurations, and activity levels of the existing major landslides, including the landslide that has been obscured by the buttress fill; the potential for destabilization of these landslides due to the proposed grading; the stability of slopes under the proposed grading and appropriate mitigation; evaluation of the

sheared rock zone and its relations to fault activity; determination of the location of the San Luis Bay Fault at the site and its potential ramifications for the project; evaluations of the cut slope at the eastern corner of the site and its potential for instability, as well as appropriate mitigations; the potential for liquefaction and lateral spreading in the area where fill will be placed for the Port access road and which may extend into the Bay (Phase II); and assessment of the potential for bluff erosion along the coastal length of the project. This investigation will also provide feasible engineering and/or design solutions for these potential geologic impacts including the need for construction or augmentation of bluff protection and setback requirements from existing constraints.

- b. The geotechnical engineering investigation shall be conducted by a Registered Geotechnical Engineer or a Registered Civil Engineer experienced in geotechnical investigations. In addition to the items that normally are addressed in such an investigation, the report should include, but not be limited to, the following factors: soil and groundwater conditions encountered; preparation of the site prior to grading; grading criteria for pavement and building areas; types and depths of foundations; maximum allowable bearing capacities; site coefficients for use in foundation design; potential for liquefaction; total and differential settlement; resistance to lateral loads; subslab ground treatment; design criteria for retaining walls; pavement design criteria; site drainage; assessment of the existing fill at the site, including the suitability of the materials used, original site preparation, and degree of compaction; the impact of placing fill upon the existing fills and appropriate mitigation; settlement potential of the fill and appropriate mitigation; and placement of fill over cut slopes and appropriate mitigation. This investigation will also provide feasible engineering or design solutions to these potential geologic impacts.

G-3 There are five major landslides which have been identified on the Harbor Terrace site. These landslides are depicted as Landslides #1 through #5 in Figure 5.1-2. Specific recommendations related to each landslide are provided below as well as within the Geologic Hazards Study incorporated by reference into this DEIR and available for review at the Harbor District Offices.

- a. Landslide 1, located in the eastern region of the site, shall be thoroughly assessed by the project geologist. In addition to analyzing the inherent stability of the landslide, the impact of making cuts in the body of the landslide must also be considered, as well as the impact of the 40-foot fill planned in the southeast region of the landslide. This study shall be conducted as part of the final project design, when final grades have been set and are available in a grading plan, yet while modifications are still possible to accommodate site conditions. This study shall be conducted as a feasibility study to determine the major characteristics of the slide and the extent of required mitigation. Specific measures that could be implemented, depending upon the characteristics of the landslide and the relationship of the landslide debris to the proposed building locations, include excavation of appropriate portions of the landslide and replacement with compacted fill. This type of grading solution would entail benching, the installation of drains, and possibly the use of geogrid reinforcing. Fill slopes shall not exceed a 2:1 horizontal to vertical ratio. Other alternatives could include stabilization systems utilizing tie-backs or caissons or project redesign to relocate structures out of the slide area.
- b. Landslide 2, located in the northwest region of the site, shall be studied by the project geologist to determine its depth, activity level, and extent. This study shall be conducted as part of the final project design, as the relationship of the grading to the location and depth of the landslide will determine the appropriate mitigation(s). Possible mitigation measures for this landslide could include excavation of the landslide and replacement as a compacted

fill, possibly with drains and geogrid reinforcement; increasing the height of the retaining wall to allow it to also function as a debris wall; or using another stabilizing system such as a tie-back system above the retaining wall in caissons.

- c. Landslide 3, located below the existing water tank, shall be analyzed to determine its depth and geometry and the effect of the proposed cut upon slope stability. This study shall be conducted as part of the final project design, as a fairly accurate depth of cut must be known to properly assess its impact upon slope stability. As major cuts are planned in this area, mitigation could be achieved by modifying the grading plan to remove all of the landslide debris. Other possible mitigations could include replacement with compacted fill, possibly with drains and geogrid reinforcement, use of a retaining wall, tie-backs, or caissons.
- d. The location of Landslide 4 has been obscured by past grading, and by the subsequent placement of a buttress fill. This landslide area shall be investigated as part of final project design with respect to the materials used and its state of compaction. Mitigation, if any, will be determined by the outcome of such an investigation. Possible mitigations include removal of the slide debris and replacement as a compacted fill, placement of additional buttress fill, or use of structural solutions such as retaining walls, tie-backs, or caissons. This assessment shall be conducted by the project geologist as part of final project design.
- e. In addition to the four major landslides described above, there are numerous smaller landslides and slumps located throughout the property. Landslide 5 will not be impacted by project development other than the possibility of decreasing the need for frequent maintenance due to the placement of fill and the subsequent increased distance between the landslide and the affected roadway. In areas where cuts are made, the project geologist shall determine whether all of the slide debris has been removed in each area. This determination should be made during project grading. If it is determined that slide debris remains in any areas, assessments regarding stability and any necessary mitigation measures shall be made at that time.

- G-4 In areas where cuts are planned, the stability of the proposed slopes shall be evaluated by the project geologist. This study shall be conducted as part of the final design, as the depths of the cuts must be known to accurately assess their impact upon slope stability. In the event that the slopes in their planned configurations prove unstable, there are several potential mitigation measures. These potential measures include flattening of the proposed slopes to a stable configuration, overcutting the slopes and rebuilding them as stable, compacted fill, and possibly structural applications, such as retaining walls, caissons, driven piles, and installation of geogrid reinforcement.
- G-5 The project geotechnical engineer shall conduct sufficient exploration of the existing fill during final project design to render an opinion regarding the suitability of the fill materials use, the degree of compaction, the settlement characteristics, and the strength of the fill materials. The stability and settlement potential of the fill, following the proposed grading shall also be assessed. If the results of this analysis indicate the existence of unstable soil materials, slope instability, inadequate compaction or excessive settlement potential, this situation shall be mitigated by project grading.
- G-6 The placement of fill over cut slopes is specifically addressed in the Uniform Building Code; the potential for slope failure can be readily mitigated by proper grading techniques in accordance with the Uniform Building Code.

- G-7 Slopes which involve new fill material over existing fill will require assessment by the project geotechnical engineer or geologist. Recommendations shall be developed as to the best method of mitigation. Such measures could include excavation of the cut slope and rebuilding the entire slope as a compacted fill, possibly utilizing drains and/or geogrid reinforcement. Recommendations from this shall be incorporated into the geotechnical engineering investigation or geologic study as part of the final project design.
- G-8 Detailed grading plans shall be prepared and submitted for all project phases which identify existing and proposed drainage channels and proposed final site configuration. Grading plans shall be in conformance with the County Coastal Zone Land Use Ordinance.
- G-9 It is recommended that on-site areas of sheared rock be evaluated by the project geologist and a determination made as to whether the sheared rock is fault-related. If the sheared rock zone is fault-related, the potential ramifications of the fault shall be studied and addressed by the project geologist. Potential mitigation measures to avoid seismic-related displacement include: setting back from the fault, structural augmentation of the foundation where the fault is straddled or removing the bedrock and replacing it with compacted fill as the foundation support material.
- G-10 The entire length of bluff along San Luis Bay shall be assessed through a Stability Evaluation Report to determine the rate of bluff retreat and the characteristics of wave run-up. The need for setbacks or bluff protection shall be addressed by the project geologist in this assessment. The adequacy of the existing rip-rap structures shall also be assessed and a determination made as to whether augmentation is necessary to protect the proposed improvements. With respect to the fill planned to support the widened access road (Phase II), mitigation measures for erosion will include construction of a retaining structure at the toe of the fill, facing the fill with rip-rap, constructing the lower portion of the fill out of rip-rap, or other equivalent design solution.
- G-11 To mitigate the potential for excessive settlement of the proposed road fill, bay sediments shall be removed as necessary in order to place fill on the underlying competent rock. The depth to the rock, recommendations for overexcavation, and the precise design solution (i.e. retaining structure, use of rip-rap, etc.) shall be made by the geotechnical engineer as part of the final geotechnical engineering investigation.
- G-12 The further erosion of Avila Beach Drive at the entrance to Diablo Canyon shall be mitigated by the installation of engineered rip-rap or equivalent protective measures.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The Harbor Terrace portion of the Port is geologically complex and has been the subject of considerable previous geotechnical analysis as discussed in Section 5.1 of the FEIR and most recently by Earth Systems Consultants of Northern California, *Geologic Hazard Study, Harbor Terrace*, Port San Luis California, February 1997. That study recommends the above referenced mitigation to address these site specific geologic hazards.

Impact GEO-5: Construction and operation of the various facilities proposed in the Port Master Plan has the potential to result in erosion of soils. This impact is considered significant unless mitigated (Class II).

Mitigation Measures: G-1 through G-12

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: Construction of new facilities will require grading and the placement of impervious surfaces in a geologically complex setting. Grading and drainage plans will result in systems that collect and convey runoff to points of disposal in a manner that avoids the potential for erosion.

Impact GEO-6 The planning area contains areas of undocumented fill, which may be unstable. This impact is considered significant unless mitigated (Class II).

Mitigation Measures: G-1 through G-12

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: Previous geotechnical investigations of the Harbor Terrace site have revealed the presence of undocumented fill. These previous studies recommend the above-referenced mitigation measures to address these issues.

Impact GEO-7 Field investigations of the Harbor Terrace planning area have revealed the potential for differential settlement which could damage foundations and/or the structural integrity of buildings. This impact is considered significant unless mitigated (Class II).

Mitigation Measures: G-1 through G-12

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: Previous geotechnical investigations of the Harbor Terrace site have revealed the presence of undocumented fill. These previous studies recommend the above-referenced mitigation measures to address these issues.

Impact GEO-8: Portions of the project area underlain by undocumented fill may exhibit expansive soils. This impact is considered significant unless mitigated (Class II).

Mitigation Measures: G-1 through G-12

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: Previous geotechnical investigations of the Harbor Terrace site have revealed the presence of undocumented fill. These previous studies recommend the above-referenced mitigation measures to address these issues.

Drainage and watershed Resources

Impact W-1 **Construction of the various facilities identified in the draft Port Master Plan will increase the amount of impervious surfaces at the project site, thereby increasing the volume and velocity of runoff, and the potential for erosion on and off the site. The increased runoff could increase the potential for sedimentation in the Pacific Ocean. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures:

- D-1 Measures to be considered for the mitigation of potential drainage, erosion, seepage and water quality impacts associated with new development include, but are not limited to:
- The incorporation of on-site runoff collection systems which includes energy dissipation, berms, temporary settling basins, and/or a silt/hydrocarbon separator for the collection and removal of hazardous materials and sediments.
 - The incorporation of on-site drainage systems to collect runoff from all impervious onsite services, including parking spaces, roads and buildings.
 - The incorporation of offsite retention basins with appropriate water quality controls.
 - Surface runoff should be collected by curbs, gutters and drainage swales and conveyed to an appropriate point of disposal. Discharges of greater than five feet per second should be released through an energy dissipator or outlet.
 - The incorporation of sub-surface drains to intercept seepage and convey it to an acceptable point of disposal.
 - Watering any construction sites at least twice per day during construction, or more frequently if determined necessary by the Harbor District.
 - Re-vegetating portions of sites exclusive of paved areas as soon as reasonable following grading.
 - Incorporating rain gutters and downspouts for buildings with adequate splash guard protection.
 - Grading surfaces adjacent to buildings so that runoff is conveyed away from foundations and onto paved surfaces or underground collection pipes.
- D-2 Prior to the commencement of new construction activities, a General Construction Activity Storm Water Permit from the Regional Water Quality Control Board (RWQCB) shall be obtained. As part of this permit, a storm water pollution prevention plan shall be prepared specifying Best Management Practices (BMPs) for erosion control and stormwater pollutant discharge control during any construction activities. For all project components, grading and drainage plans shall incorporate BMPs for erosion control and stormwater pollutant discharge control. This may also serve to reduce non-project-related sediment loads further downstream.
- D-3 All newly constructed impervious surfaces, including parking spaces, streets and roads, and storage lots, shall drain to an underground storm drainage system or improved channel. Surface runoff will be collected by curbs, gutters and drainage swales to storm drain pipe inlets. Runoff will be kept underground until it is released to a graded or improved natural channel. Discharges

greater than five feet per second will be released through an energy dissipator structure at the drainage system outlet.

- D-4 New roadside shoulders beyond the edge of pavement shall only be used for minor road embankment runoff and emergency overflows from underground pipe systems. Additional drainage swales, inlets and channels will be provided on grading plans in order to handle sheet flows that would otherwise be directed across roads.
- D-5 The following grading procedures shall be included in order to minimize the potential for drainage and erosion problems on slope banks:
 - Locate terrace drain ditches at the top of fill slopes greater than a gradient of 4 horizontal to 1 vertical. Allow only surface runoff which is incidental over the face of a fill slope.
 - Include terrace drains and velocity dissipators on existing and proposed slopes greater than 35 feet in height.
 - Install wicks, subdrains or other improvements, as necessary, to insure that groundwater seepage does not occur on man-made slopes.
- D-6 All areas disturbed by grading activities shall be seeded with native or naturalized grasses to reduce dust emissions and erosion.
- D-7 New storm drain inlets and pipe systems shall be added along the edge of the bluff to prevent flows from being released onto unprotected slopes.
- D-8 A site-specific erosion control and temporary revegetation plan shall be developed for all new grading. This plan shall include erosion control devices to be installed prior to the beginning of the rainy season (October 15).
- D-9 Prior to grading operations, application for a construction Storm Water Discharge General Permit shall be submitted to the Regional Water Quality Control Board. This permit request will be accompanied by an indication of construction site erosion control practices, soil tracking control methods and practices, and moisture control of surfaces for dust control.
- D-10 An erosion and sedimentation control plan as required by the National Pollution Discharge Elimination System permit shall be prepared for all new construction. This permit request will comply with all the drainage protection measures and procedures of the on-site Storm Water Pollution Prevention Plan (SWPPP).
- D-11 A Revegetation Plan shall be prepared for all newly graded areas. The goal of this plan is to (1) ensure that sediment is not eroded and transported off-site; and (2) upon completion of construction, to re-establish vegetation compatible with surrounding native plantings.
- D-12 Additional rock dissipator protection shall be provided at new culvert outlets along Avila Beach Drive and at the existing 5 foot diameter culvert for the Diablo Canyon Road channel.
- D-13 Additional rock protection along the shoreline (Avila Beach Drive) will be added to provide protection of the new and existing slopes during high surf conditions.
- D-14 Prior to approval of new grading plans or grading permits, the applicant shall show the following note on grading and drainage plans:

No construction work will be permitted in any flowing channel and no graded material or debris will be placed within existing storm drain channels. All work within seasonally dry streambeds shall be in accordance with permits issued by the County of San Luis Obispo and the Regional Water Quality Control Board.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The measures described above incorporate specific techniques and regulatory compliance requirements to address potential impacts to drainage and water quality arising from the future construction of facilities anticipated by the Port Master Plan.

Impact W-2 **Heavy metals and other hazardous materials washed from the surface of parking lots and roadways could enter the ocean during a rainstorm. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures: D-1 through D-14

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The measures described above incorporate specific techniques and regulatory compliance requirements to address potential impacts to drainage and water quality arising from the future construction of facilities anticipated by the Port Master Plan.

Impact W-3 **Activities associated with construction (including excavation and grading) of facilities associated with the draft Port Master Plan would increase the potential for erosion. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures: D-1 through D-14

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The measures described above incorporate specific techniques and regulatory compliance requirements to address potential impacts to drainage and water quality arising from the future construction of facilities anticipated by the Port Master Plan.

Impact W-4 **Construction activities could result in the release of oil, engine fuel and other toxic substances into nearby San Luis Bay, adversely affecting water quality. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures: D-1 through D-14

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The measures described above incorporate specific techniques and regulatory compliance requirements to address potential impacts to drainage and water quality arising from the future construction of facilities anticipated by the Port Master Plan.

Cultural Resources

Impact C-1: **Development of facilities in accordance with the draft Port Master Plan could unearth or disturb previously undiscovered resources of cultural or historic significance. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures:

C-1 In the event archaeological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative should monitor any mitigation work associated with prehistoric cultural material.

C-2 If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The measures described above require all work to stop in the event that previously undiscovered resources are uncovered during construction activities. The purpose of the work stoppage is to enlist the services of qualified experts to assess the significance of the find and to recommend appropriate steps to take to minimize potential impacts.

Impact C-2: **Development of facilities on Harford Pier could alter the historic character of the Pier. This impact is considered significant unless mitigated (Class II).**

Impact C-3: **Development of facilities near the Port San Luis Lighthouse could alter the historic character of the lighthouse and its setting. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures: The Port Master Plan provides mitigation in the form of design guidelines for new construction to ensure new development complements and is consistent with the historic character of the Harford Pier and the Lightstation.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The Port Master Plan provides mitigation in the form of design guidelines for new construction to ensure new development complements and is consistent with the historic character of the Harford Pier and the Lightstation.

Noise

Impact N-1 Noise associated with construction activities on District properties may adversely impact nearby noise-sensitive uses. This impact is considered significant unless mitigated (Class II).

Mitigation Measures:

- N-1 All construction equipment shall be in proper operating condition and fitted with factory standard silencing features.
- i. A haul route plan shall be prepared for review and approval by the Harbor District.
 - ii. Whenever practical, the noisiest construction operations shall be scheduled to occur together in the construction program to avoid continuous periods of noise generation. Scheduling of noisier construction activities shall also take advantage of summer sessions and other times when classes are not in session.
 - iii. Project construction activities that generate noise in excess of 60 dB at the project site boundary shall be limited to the hours of 7 a.m. to 6 p.m.
- N-2 All large construction equipment will be equipped with “critical” grade noise mufflers. Noise level reductions associated with the use of “critical” rather than “stock” grade mufflers can be as high as 5 dBA. Engines will also be tuned to insure lowest possible noise levels.
- N-3 Detailed noise analyses shall be prepared when grading plans are developed to fully determine the need and extent of temporary and/or permanent noise barriers. Final noise barrier heights shall be determined with final grading plans indicating lot locations, trailer setbacks, and precise pad elevations are developed. The barriers may consist of a berm, wall, or a combination berm and wall. Walls should not contain holes or gaps, and should be constructed of slumpstone or other masonry material.
- N-4 Equipment lay-down areas, staging areas or those areas that are reserved for testing and repairing of construction equipment shall be located as far away from sensitive receptors.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above measures address noise associated with construction activities by limiting the hours of construction, by requiring machinery to incorporate noise attenuating mechanisms and by requiring project-specific noise analysis for future development.

Services

Impact PS-1 Facilities associated with buildout of the draft Port Master Plan would place additional structures, life and property at risk for damage or destruction from wildland fires and/or structural fires. In particular, development of the Harbor Terrace planning area will pose a risk to wildland fire. This impact is considered significant unless mitigated (Class II).

Impact PS-2 Buildout of the Port Master Plan will increase the demand for police protection. This impact is considered significant unless mitigated (Class II).

Mitigation Measures

- PS-1 New development shall not be allowed until adequate public services and facilities to serve such development are provided. Where existing facilities are inadequate, new development may only be approved when the following conditions are met:
- a. It can be demonstrated that all necessary public facilities will be installed or adequately financed (through fees or other means); and
 - b. The facilities improvements are consistent with applicable facility plans approved by the Harbor District, the County and/or such other agencies in which provides services to the Port.
- PS-2 Future development shall be required to pay all applicable Public Facilities Fees to the County of San Luis Obispo to offset potential impacts to, among other County services, police and fire protection services.
- PS-3 Where determined by the Harbor District, plans for new development shall be submitted for review by the San Luis Obispo County Sheriffs Department to assess the adequacy in which a project's design addresses the following issues: emergency access, internal circulation and provision of "defensible space". The recommendations of the Sheriffs Department shall be considered by the Harbor District in deciding to approve such new development.
- PS-4 The Harbor District shall ensure that all proposed developments are reviewed for compliance with fire safety standards per the California Fire Code and other standards and ordinances of the CDF/San Luis Obispo County Fire Department. Issues to be considered in the review of future development include, but are not limited to, the following:
- a. Improved emergency access to Harford Pier;
 - b. Improved fire protection systems on the pier, including hydrants, sprinklers and standpipes to meet current fire codes;
 - c. The installation of grates on the pier for automatic ventilation to stop the spread of fire;

- d. Improved access to the Lightstation for fire protection;
- e. Development of an all-weather secondary access road from Port San Luis to San Luis Bay Drive;

- PS-5 All water mains and fire hydrants shall provide required fire flows and shall be constructed in accordance with the specifications of the County of San Luis Obispo, the California Department of Forestry or other applicable standards.
- PS-6 Where determined by the Harbor District, plans for new development shall be reviewed by the County of San Luis Obispo to insure that building materials, access, brush clearance and water storage capacity provide adequate fire protection to the proposed project.
- PS-7 Prior to the approval of any site plans for development areas adjacent to open space, a Fuel Reduction Plan shall be submitted to the County of San Luis Obispo and the California Department of Forestry for approval. This Fuel Reduction Plan will provide for an acceptable level of risk in accordance with California Department of Forestry standards. Fuel reduction can be achieved through a gradual transition from native vegetation into irrigated landscape/building areas of the project. This fuel reduction program shall also establish parameters for the percent, age, extent, and nature of native plant removal necessary to achieve the accepted fire prevention standards required to protect human lives and property, while preserving as much natural habitat as possible.
- PS-8 The Harbor District or its designated assignee shall be responsible for maintenance of Fuel Reduction Zones where required of new development. Maintenance agreements shall be submitted to the County of San Luis Obispo and the California Department of Forestry for approval.
- PS-9 All water lines shall be designed and installed in accordance with requirements of the County of San Luis Obispo and County Service Area Number 12.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above measures address potential impacts to police and fire protection by prohibiting new development unless and until adequate public services are available to serve such new development. The measures require the Port to pay applicable fees to the County to pay for such services, and requires the Port to submit plans for new development to these agencies for their review and recommendations as part of the development review process.

Biological Resources

Impact B-2: **Implementation of the draft Master Plan would not adversely affect riparian habitat, but may impact needlegrass grassland, coastal tidal areas, and other sensitive natural communities. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures:

- B-1. Oak trees removed or damaged by project activities shall be replaced by planting oak trees in areas adjacent to existing oak woodlands outside project grading limits. These oak trees should be grown from locally collected acorns. San Luis Obispo County recommends a 4:1 replacement of oak trees removed or damaged by development activities. Existing oak trees shall be beneficially incorporated where possible in the project landscaping along with other native species.
- B-2. Grading and construction in and adjacent to sensitive native habitat areas shall be minimized. Project grading activities shall generally avoid steep slopes and bluff areas.
- B-3. Construction limits shall be clearly defined and enforced. Oak tree protective measures shall be incorporated by installing construction fencing outside of the drip line of oak trees and preventing any construction or grading activities from damaging existing oak trees.
- B-4. Projects abutting open, natural areas, will incorporate a buffer zone incorporating fire clearance requirements, and transition zones between introduced and native landscaping. Maintenance of this buffer zone would include prevention of non-native vegetation in the project area from spreading into the native habitats surrounding the site.
- B-5. Initial land-clearing and grading activities shall be scheduled to avoid spring and early summer months in areas where oak woodland or dense coastal scrub border the site. If clearing must occur during this time period, preconstruction surveys shall be conducted to identify nesting birds in coastal scrub and oak woodland habitats within 500 feet of any project grading or related activities (parking, equipment storage, construction office, etc.). If active nests of Cooper's hawk, northern harrier, white-tailed kite, or Bell's sage sparrow are found, construction or related activities shall be postponed within 500 feet of the nest until the young have fledged or the nest becomes inactive.
- B-6. Botanical surveys shall be conducted to determine the presence and distribution of special-status plant species on the Harbor Terrace site prior to project approval. Botanical surveys shall be conducted by a qualified botanist during known flowering periods of plant species listed in Table 5.6-1 and focus on vegetated areas that would be disturbed by the project. If special-status species would be adversely affected by the project, mitigation measures shall include:
 - a. Relocating project components to avoid impacts;
 - b. Preservation of the majority of the population on the project site through a permanent conservation easement; and
 - c. Transplanting individual plants (perennials) or seeds (annuals) from impact areas to restoration areas.

Measure a. should be implemented if the plant is threatened or endangered or if a small percentage of the sensitive population on the project site would be affected. Otherwise, measures b. or c. may be implemented.

- B-7. Native landscaping shall be designed and installed to discourage pedestrian access from the Harbor Terrace site into adjacent native habitats. In addition, if pets are allowed, designated pet areas shall be incorporated into the design of new development so pets are not allowed into nearby habitat areas or buffer zones that support native wildlife.
- B-8 To approve a land use permit for a project within or adjacent to an Environmentally Sensitive Area, the Harbor District must find that:
1. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
 2. The proposed use will not significantly disrupt the habitat.
- B-9 The Harbor District shall implement the following provisions of the Coastal Zone Land Use Ordinance in the review and approval of new development that may affect environmentally sensitive areas:
1. New development within or adjacent to the habitat shall not significantly disrupt the resource.
 2. New development within a sensitive habitat shall be limited to those uses that are dependent upon the resource.
 3. Where feasible, damaged habitats shall be restored as a condition of development approval.
 4. Development shall be consistent with the biological continuance of the habitat.
 5. Grading adjacent to Environmentally Sensitive Habitat Areas shall conform to the provisions of Section 23.05.034c of the Coastal Zone Land Use Ordinance.
- B-10 The Harbor District shall implement the following provisions of the Coastal Zone Land Use Ordinance in the review and approval of new development that may affect marine, nearshore and beach habitats:
1. Protection of kelp beds, offshore rocks, reefs and intertidal areas. Development shall be sited and designed to mitigate impacts that may have adverse effects upon the habitat, or that would be incompatible with the continuance of such habitats.
 2. Siting of shoreline structures. Shorelines structures, including piers, groins, breakwaters, seawalls, and pipelines shall be designed or sited to avoid and to minimize impacts on marine habitats.
 3. Coastal access. Coastal access shall be monitored and regulated to minimize impacts on marine resources. If negative impacts are demonstrated, then the Harbor District shall take steps to mitigate these impacts, including limitations of the use of the coastal access.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above measures address potential impacts to biological resources by requiring project-specific biological assessments of activities contemplated by the Master Plan that have the potential to impact these resources and recommending project-specific mitigation. Such measures would include

incorporation of the requirements listed in the other measures described above. Collectively, these measures will ensure that new construction avoids sensitive resources.

Impact B-3: **Development of Harbor District facilities will increase the area of impervious surfaces, increasing stormwater run-off into San Luis Bay, which could indirectly affect sensitive species habitat. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures: Potential water quality impacts are addressed by measures D-1 through D-14.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above measures address potential impacts to water quality by requiring grading and drainage improvements to incorporate measures that minimize erosion and require the conveyance of drainage to appropriate points of disposal consistent with federal State and local standards.

Impact B-4 **Development of the Harbor Terrace site may disrupt wildlife movement along the slope above the site. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures: B-2, B-3, B-6

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above measures address potential impacts by requiring construction management and design techniques to minimize the disruption of wildlife movement.

Traffic and Circulation

Impact T-1 **Vehicle trips generated by buildout of the Port in accordance with the draft Master Plan could adversely affect the operation of surrounding streets and intersections. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures: Implement the recommendations of the Avila Circulation Study.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: Traffic in the Avila Beach area has been an important issue for many years. Analysis of the circulation system began in 1988 with the first comprehensive study of the existing and future traffic demand. That study, completed by DKS Associates, was initiated to address concerns over the ability of the existing and

planned roadway system to accommodate increased traffic levels in light of development proposals in the area. It recommended a series of capacity enhancements for the county roads plus several transportation management strategies, such as park and rides, public transit, bicycle and parking management. It was used as the basis for the implementation of the County of San Luis Obispo's Avila Road Improvement Fee Program.

In 1992, a follow up study was completed to further refine the technical evaluation of the current and future roadway capacities and to affirm the improvement program. That study was authored by Wilbur Smith and Associates, and focused on development of moderate roadway capacity enhancement and additional detail on the non-street strategies. Finally, the 1992 document was the basis for an update of the Avila Road Improvement Fee Program.

In 2001, the Avila Beach community's remediation work was completed by Unocal. That same year, the Avila Beach Specific Plan was adopted by the County Board of Supervisors. The Specific Plan outlined the vision for Avila Beach and provided the primary impetus for the 2001 Avila Circulation Study, a comprehensive transportation evaluation of the Avila Beach and Avila Valley area. That Study, prepared by TPG Consulting, identified both the short-range and long-range circulation needs of the Avila Beach and Avila Valley area.

The 2003 Avila Circulation Study, Port San Luis Harbor Master Plan Update, attached as Appendix B to the FEIR is an update of the 2001 Circulation Study. The updated study concludes that traffic in the Avila Beach area will increase as a result of buildout of the Port Master Plan and cumulative development in the area accommodated by the Local Coastal Program and Avila Specific Plan. However, improvements recommended by the Study will maintain an acceptable level of service on area roadways and intersections so long as the improvements are implemented concurrently or in advance of new construction. Implementation will be provided through the payment of traffic impacts fees from new development. The Avila Circulation Study recommends traffic system management, public transit improvements, parking and shuttle service, as well as roadway improvements (see pages 44 and 45, 2004 Avila Circulation) to maintain an acceptable level of service.

Air Quality

Impact A-1

Motor vehicle and other long-term emissions associated buildout of the Port facilities in accordance with the draft Master Plan would contribute to the lack of attainment of the State ozone and PM₁₀ standards. This impact is considered significant unless mitigated (Class II).

Mitigation Measures:

- AQ-1 The Harbor District shall, to the extent feasible, separate sensitive land uses from significant sources of air pollution.

- AQ-2 The Harbor District shall submit environmental documents to the San Luis Obispo County Air Pollution Control District for review and comment in accordance with the California Environmental Quality Act prior to consideration for approval.
- AQ-3 The Harbor District shall promote and encourage the use of alternate modes of transportation by incorporating public transit, bicycle, and pedestrian modes in new development.
- AQ-4 The Harbor District shall, to the extent feasible, separate sensitive land uses from significant sources of air pollution.
- AQ-5 The Harbor District shall promote and encourage the use of alternate modes of transportation by incorporating public transit, bicycle, and pedestrian modes in new development.
- T-1 Implement the recommendations of the 2004 Avila Circulation Study.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: According to the San Luis Obispo Air Pollution Control District (APCD) the Air Resources Board has recently re-designated the County as being in attainment of the State and federal standards for ozone. By maintaining population and traffic increases within the projections contained in the Clean Air Plan and implementing the other control measures in the Plan, the County is expected to remain within attainment. Since the Port Master Plan does not provide for an increase in population and the Avila Circulation Study maintains an acceptable level of service for area streets and intersections, impacts to air quality are expected to be less than significant.

Impact A-2 Dust generated by construction activities may be considered a nuisance adjacent to the project site. This impact is considered significant unless mitigated (Class II).

Mitigation Measures:

AQ-4. The following measures shall be applied to reduce impacts related to PM₁₀ and NO_x emissions from project construction to the extent feasible.

- **Equipment Emission Control Measures.** To the extent feasible, newer construction equipment (manufactured after 1990) shall be used that produces fewer emissions, especially for the highest emitting piece of diesel-fired heavy equipment. In any case, all equipment shall be properly tuned and maintained. Additional measures that would reduce construction-related emissions include, but are not limited to:
- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers,

backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).

- Maximize to the extent feasible, the use of diesel construction equipment meeting the ARBs 1996 or newer certification standard for off-road heavy-duty diesel engines.
- Should project emissions exceed the APCD's CEQA significance threshold for quarterly emissions, construction equipment shall be retrofitted with the appropriate number of catalyzed diesel particulate filters (CDPF) or diesel oxidation catalysts (DOC). This determination must be conducted in consultation with the APCD.

B.Dust Control Measures. Dust generated by construction activities shall be kept to a minimum by full implementation of the following measures:

- During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used when necessary to prevent dust from leaving the site and to create a crust after each day's activities cease;
- During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the morning and after work is completed for the day and whenever wind exceeds 15 miles per hour;
- Stockpiled earth material shall be sprayed as needed to minimize dust generation.
- During construction, the amount of disturbed area shall be minimized.
- Onsite vehicle speeds should be reduced to 15 mph or less;
- Exposed ground areas that left exposed after project completion should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to minimize dust generation until the area is paved or otherwise developed so that dust generation will be minimized;
- Grading and scraping operations shall be suspended when necessary to minimize dust generation;
- All roadways, driveways, and sidewalks associated with construction activities should be paved as soon as possible. In addition, building and other pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Permanent dust control measures identified in the approved project re-vegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.

- Install wheel washers or rumble pads where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above referenced mitigation, as amended, is recommended by the APCD for the mitigation of construction/dust related impacts.

Visual Resources

Impact V-1 **Development of the various projects under the Master Plan will alter the visual character and/or quality of the project area. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures:

- V-1. Grading shall be designed to conserve natural topographic features and appearances by means of land sculpturing to blend graded slopes and benches with natural topography.
- V-2. Construction equipment and staging areas for the development of the Harbor Terrace and Avila parking lot sites shall be stored and located in the least visually prominent location on site, and/or screened from public view.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The Master Plan contains design guidelines that express the District's expectations for the design of new development. The intent of the guidelines is to result in new development that complements the historic seaside character of the Port and Avila Beach. The staging of construction activities in appropriate locations will minimize the temporary impacts of construction activities on views.

Impact V-3 **Development of the various projects under the Master Plan may result in additional sources of light and glare. These new sources will be visible from adjoining areas and may be visible from areas beyond the Port. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures:

- V-3. Lighting shall be hooded and designed to shine downward. To the extent practical, parking lot lighting shall be confined to the project site and shall be designed and oriented to ensure safety within the parking lots, access and pedestrian walks. Lighting will be installed with the minimum foot-candles necessary to ensure safety.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above mitigation requires the design and location of new sources of light to minimize glare and nuisance impacts.

Hazardous Materials

Impact HAZ-2: Development of the Harbor Terrace site may result in the exposure of existing contaminants in the soil. This impact is considered significant unless mitigated (Class II).

Mitigation Measures:

- HAZ-1 The use, transport, storage and disposal of hazardous materials on all Harbor District property shall be carried in accordance with the provisions of all applicable federal, State and local laws and regulations.
- HAZ-2 During project grading in areas known to contain contaminants, monitoring of earthwork shall be performed to determine if levels of BTEX or other compounds of interest to the APCD (lead, volatile organic compounds such as gasoline and solvents, and asbestos exceed established exposure thresholds.
- HAZ-3 Grading shall either be performed during the dry season or will be subject to specific erosion control measures (see "Mitigation Measures" in Drainage and Watershed Resources) to prevent erosion of the soil and possible transport of contaminated soils into off-site watercourses.
- HAZ-4 Any oil-contaminated soil discovered during construction shall be disposed off-site at an appropriate facility or used as fill in parking lots or roadways. Areas of finished grade shall not have any surface exposures of oil-contaminated soils. Any activities involving remediation or the handling and disposal of hazardous materials or waste shall comply with all relevant regulations and permitting requirements of the Air Pollution Control District prior to the commencement of such activities.
- HAZ-5 Vapor barriers shall be placed below the foundation of all new structures in order to eliminate the potential for vapors entering any buildings.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The Harbor Terrace site is known to have been the location of an oil storage tank which was removed several decades ago, but which was also the source of soil contamination on the site. As a result, the Port prepared a risk assessment in 1998 (which is incorporated by reference) to address this issue and to recommend appropriate mitigation which is provided above.

Impact HAZ-3 **Serpentine soils are reportedly present on the Harbor Terrace site and may occur elsewhere throughout the project area. Construction on sites containing serpentine soils poses the risk of release of naturally occurring asbestos. This impact is considered significant unless mitigated (Class II).**

Mitigation Measures:

HAZ-6 Where new construction may occur on soils expected to contain asbestos, an Asbestos Health and Safety Program for project construction activities shall be developed and submitted to the San Luis Obispo APCD for review and approval prior to the commencement of project grading. This program shall include the following elements:

1. Preparation of a sampling and survey work plan. Elements of this work plan should include, but are not limited to: geologic mapping of the site, sampling strategy, and lab analysis methodology.
2. Conduct sampling and survey activities and perform the required lab analysis. Results of these activities shall be submitted to the District for review 30 days prior to start of construction.
3. If ACM is determined to be present, an Asbestos Health and Safety Program for construction activities in serpentinite to comply with State and Federal law will be required. Work plan elements should include, but are not limited to:
 - construction and project strategy to *prevent* emissions to ambient air
 - notice to APCD of project start date ten working days in advance;
 - protection methods used to prevent worker exposure; and
 - a California certified asbestos environmental monitor or registered geologist with asbestos certification to be present on-site during construction activities to identify potential unmapped or subsurface serpentinite and to initiate APCD contractor/worker emergency procedures, if required.

The Asbestos Health and Safety Program must reduce potential impacts associated with naturally-occurring asbestos to a less than significant level.

4. If ACM is determined to be present, no ACM is to be used as surface layer material on any part of the project (road beds, house pads, landscaped areas,
5. If ACM is determined to be present, notification to employees and patrons that ACM is present shall be required.
6. If ACM is not found in the serpentine deposits on-site, the following items are required:
 - the preparation of an emergency work plan to address potential unmapped or subsurface serpentinite.
 - a certified asbestos environmental monitor or registered geologist with asbestos certification shall be present during construction activities to initiate emergency work plan if necessary, and
 - APCD shall be notified of project start date.

HAZ-7 A demolition asbestos survey will be conducted prior to any modifications or demolition of the on-site buildings or storage yards, in accordance with federal NESHAP regulations. The asbestos survey will be conducted by a California-licensed asbestos consultant. If asbestos-containing materials (ACM) are found in the on-site buildings or storage yards, the ACM must be abated prior to the commencement of demolition activities. Abatement activities will be conducted by a California-licensed asbestos abatement contractor. ACM wastes will be disposed at a properly licensed disposal facility.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above mitigation measures are recommended by the APCD who is the regulating agency with respect to the potential effects of asbestos that may be uncovered during construction activities.

Impact HAZ-4 Demolition of structures in the project area may result in hazards associated with lead-based paint and asbestos containing materials. Demolition of these structures poses risk of release of these hazardous materials into the environment. This impact is considered significant unless mitigated (Class II).

Mitigation Measures: HAZ-7 (see above)

HAZ-8 A lead-based paint survey will be conducted prior to commencement of demolition activities. The survey will be conducted by a California-licensed lead consultant. If lead-based paint is identified on the building materials, the paint may be required to be abated prior to demolition if found to be in poor condition. Waste materials containing lead-based paint will be properly characterized for disposal to determine if the material exceeds state or federal hazardous waste thresholds.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above mitigation measures are recommended by the APCD who is the regulating agency with respect to the potential effects of asbestos and lead-based paint that may be uncovered during demolition activities.

Impact HAZ-5 Fluorescent light ballasts and removal of any electrical transformers in the project area may pose hazards to the public associated with the release of PCBs. This impact is considered significant unless mitigated (Class II).

Mitigation Measures:

HAZ-9 On-site electrical transformers will be inspected prior to commencement of demolition activities to determine whether they may contain PCBs. Any unlabeled transformer shall be assumed to contain PCBs unless proven otherwise through testing or information from the manufacturer. PCB-containing transformers will be disposed as federal hazardous wastes.

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HAZ-10 Fluorescent light ballasts will be inspected prior to commencement of demolition activities to determine if the ballasts could contain PCBs. Unlabeled ballasts shall be considered PCB containing unless proven otherwise through testing or information from the manufacturer. PCB-containing ballast will be disposed as federal hazardous wastes.

Findings: The aforementioned mitigation measures, along with mitigation incorporated into the project description, reduce the impact to a less than significant level.

Supporting Evidence: The above mitigation measures are recommended by the APCD who is the regulating agency with respect to the potential effects of construction activities that may result in the removal of transformers and/or fluorescent fixtures.

IX. Cumulative and Growth Inducing Impacts

Cumulative Impacts

State CEQA Guidelines Section 15355 defines cumulative impacts as

“two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts”. Further, “the cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time”.

The Guidelines require the discussion of cumulative impacts to reflect the severity of the impacts and their likelihood of occurrence. However, the discussion need not be as detailed as the analysis of impacts associated with the project, and should be guided by the rule of reason.

Cumulative impacts associated with construction and operation of the various facilities anticipated by the Port Master Plan are discussed in the topical analysis sections provided in Section 5 of the Final EIR.

Findings:

Cumulative impacts associated with development of the projects in conjunction with the draft Master Plan are assessed in the individual topical sections of this DEIR and summarized below.

Geologic Resources	Development in accordance with the draft Master Plan will result in additional buildings and people exposed to potential hazards associated with seismic events, tsunamis, and slope instability. However, as described in the topical sections of the FEIR, recommended mitigation measures, together with existing regulations, reduce these impacts to a less than significant level.
Drainage	Cumulative drainage and watershed impacts could result from additional impervious surfaces, which in turn increase the total volume and velocity of stormwater reaching San Luis Bay. In addition, increased this additional runoff could worsen erosion and introduce more sediment and hazardous materials to the Bay. However, the measures recommended by the FEIR, together with existing regulations, reduce these impacts to a less than significant level
Cultural Resources	Construction activities could damage or otherwise disturb additional archaeological resources that were previously unknown. Taken together with the potential for disturbance at other construction locations in the region, this could result in cumulative impact to cultural resources that are not quantifiable.
Noise	Noise will increase in the project vicinity over the long term as a result of increased activities at the Port and surrounding land uses. However, the cumulative effect will be adverse but not significant.
Public Services	Cumulative impacts of the increased demand for public services is discussed in Section 5.5 of the FEIR. In sum, the capacity of water, wastewater collection and treatment, police and fire protection, and storm water drainage is sufficient to

accommodate buildout of the Port in accordance with the draft Master Plan along with other reasonably foreseeable development.

- Biological Resources** The development of vacant land under the Harbor District's jurisdiction, and the Harbor Terrace site in particular, will result in the cumulative loss of degraded, low-quality biological resources and habitat. Mitigation recommended by the FEIR will reduce these cumulative effects to a less than significant level.
- Traffic and Circulation** Cumulative traffic impacts are discussed in Section 5.7 which concludes that buildout of the Port and other reasonably foreseeable development in the region will not reduce the level of service of streets and intersections under local jurisdiction (the County). The cumulative effect of additional traffic on Highway 101 will be significant and unavoidable. The demand for parking will increase at the Port and in the community of Avila Beach as a result of development under the draft Master Plan. However, existing and proposed parking resources will meet this future demand consistent with the standards contained in the Coastal Zone Land Use Ordinance.
- Air Quality** Emissions of pollutants will increase regionally as a result of development in accordance with the draft Master Plan. However, as Section 5.8 of the FEIR concludes, the draft Master Plan incorporates all of the relevant provisions of transportation and land use planning strategies of the Clean Air Plan to help minimize these impacts. Accordingly, the draft Master Plan is consistent with the Clean Air Plan which is expected to demonstrate attainment of the State and federal air quality standards.
- Visual Resources** New development associated with the draft Master Plan, along with other development in the Avila Beach area will result in a cumulative impact to the visual quality of the area. The draft Master Plan contains design guidelines to ensure that the size, scale and character of new development is consistent with the visual qualities of the Port and the community of Avila Beach.
- Supporting Evidence:** The above findings are made in that the recommended mitigation, together with the measures incorporated into the Master Plan, will reduce these potential impacts to a level of insignificance except for cumulative construction related impacts and cumulative impacts to Highway 101.

Growth-Inducing Impacts

Section 15126(g) of the State CEQA Guidelines requires that an EIR assess a project's potential to induce additional economic or population growth or the construction of additional infrastructure or housing beyond that anticipated for the project itself. The Guidelines state that a project will have a significant growth-inducing impact if:

- It directly or indirectly fosters economic or population growth or additional housing; or,
- It removes obstacles to growth; or,
- It taxes community services facilities; or,
- It encourages or facilitates other activities that cause significant environmental effects.

The Guidelines define a growth-inducing impact as:

“the way in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are [public works] projects which would remove obstacles to population growth. Growth is not assumed to be necessarily beneficial, detrimental, or of little significance to the environment.”

Findings:

The Port Master Plan accommodates additional development of Port facilities aimed at serving the boating public, consistent with the purpose and intent of the Coastal Act. However, it does not recommend removing barriers to new development such as the expansion of infrastructure capacity beyond what is necessary to accommodate the uses contemplated by the draft Plan. As the topical sections of the FEIR demonstrate, impacts to the Harbor District’s water supply, wastewater collection and treatment capacity, roads, drainage, police and fire protection services, will be less than significant both individually (relating to the Port Master Plan) and cumulatively. In this respect, the draft Master Plan is not growth inducing.

X. Findings Regarding Alternatives to the Proposed Project

The stated objectives of the Port Master Plan are:

- A. Meet Coastal Act priorities for the Harbor, especially the protection of coastal-dependent and coastal-related activities, visitor serving and waterfront recreation opportunities, and public access to the coast;
- B. Promote and facilitate the orderly and beneficial development and use of District lands, facilities and resources;
- C. Provide land and water uses that are beneficial to the people of the State of California;
- D. Increase revenue-producing opportunities to support the Harbor District's public and enterprise functions; and
- E. Enhance and maintain the maritime character of the harbor.

These objectives are summarized in the following overall goal for the Master Plan:

Port San Luis should be a harbor with protected, maintained, and enhanced resources that balances the environmental, social, and economic needs of the District and the various user groups.

No Project

The No Project alternative is required by Section 15126.6 (e) of the CEQA Guidelines. Under the No Project Alternative, the Port would continue to develop in accordance with the existing Port Master Plan adopted in 1983. Table 8-1 of the FEIR provides a summary of the existing (2003) Harbor District improvements and those remaining to be constructed as recommended by the 1983 Master Plan. It should be noted that many of the improvements have been constructed, as summarized in Table 3.1 -- Inventory of Existing Port Facilities.

In general, the amount of coastal-related uses accommodated by the 1983 Plan is somewhat less than that proposed under the 2003 draft Master Plan. The following is a summary of selected potential environmental impacts associated with buildout in accordance with the 1983 Master Plan.

Water Demand. Water demand at buildout of the 1983 Plan would be about 61.5 acre feet per year, which is considerably less than that associated with the draft Master Plan. This is due to the absence of the commissary/restaurant proposed under the draft Master Plan. However, it should be noted that this is still well below the Harbor District's water allocation of 100 acre-feet per year.

Wastewater Generation. Likewise, wastewater generation is estimated to be about 30,000 gallons per day at buildout of the 1983 Plan, which is considerably less than would be experienced under the draft Plan but less than the District's 70,000 gallons per day allocation of capacity in the Avila treatment plant.

Trip Generation. Trip generation during the weekday afternoon peak hour is estimated to be about 193 trips which is comparable to that associated with the draft Master Plan and could be expected to result in comparable impacts to traffic and circulation.

Emergency Response Plan. The time estimated to evacuate the emergency planning zones following an emergency on a non-summer weekday is about 13 hours 15 minutes, which is comparable to that associated with the draft Master Plan.

Coastal Act Consistency. Since the draft Master Plan has been incorporated into the Local Coastal Program it must by definition be considered consistent with the Coastal Act.

Findings: The No Project alternative does meet most of the basic objectives of the Master Plan because it does not provide for revenue-producing opportunities to support the Harbor District's public and enterprise functions.

Alternative I -- Coastal Dependent Emphasis Alternative

Under the Coastal Dependent Emphasis alternative, all of the new lease spaces recommended by the draft Master Plan would be occupied by marine-related uses such as boat repair, fish processing and sport fishing, and exclude non-coastal dependent retail, food establishments or other coastal-related uses. For the Harbor Terrace site, the campgrounds/RV/cabins would be replaced by expanded boater storage facilities, boat repair and other coastal-dependent uses. Table 8-2 of the FEIR provides a summary of the floor area/acreage that would be devoted to these types of uses under this alternative.

The following is a summary of selected potential environmental impacts associated with buildout in accordance with Alternative I, the Coastal Dependent Emphasis Alternative.

Water Demand. Water demand at buildout of Alternative I would be about 76.5 acre feet per year, which reflects the absence of an RV park on the Harbor Terrace site in favor of boat storage and fisherman support areas. In addition, the lease spaces under this alternative are assumed to be occupied by uses such as marine supply and repair activities rather than retail and food service businesses. Projected water demand under this alternative is well below the Harbor District's water allocation of 100 acre-feet per year.

Wastewater Generation. Wastewater generation is estimated to be about 9,347 gallons per day at buildout of Alternative I, again reflecting the absence of water-intensive uses. Future wastewater generation is considerably less than the District's 70,000 gallons per day allocation of capacity in the Avila treatment plant.

Trip Generation. Trip generation during the weekday afternoon peak hour is estimated to be about 47.2 trips during the weekday PM peak hour which reflects the less intensive use of the Harbor Terrace site and the de-emphasis on retail and restaurant uses. The associated trip generation is considerably less than that associated with the draft Master Plan. Accordingly, traffic impacts associated with this alternative would be considered less than significant and less than those associated with the draft Master Plan.

Emergency Response Plan. The time estimated to evacuate the emergency planning zones following an emergency on a non-summer weekday is about 13 hours 10 minutes, which is still less than significant and slightly less than that associated with the draft Master Plan.

Coastal Act Consistency. This alternative favors coastal-dependent uses over coastal-related uses. As described in Table 8-2 of the FEIR, this alternative would eliminate the potential for development of low-cost visitor serving uses on the Harbor Terrace site. Accordingly, this alternative would be more consistent with policies of the coastal act that favor coastal-dependent uses over coastal-related uses, but would be inconsistent with policies that encourage the protection and encouragement of low-cost visitor-serving and recreational facilities.

Finding: The Coastal Dependent Emphasis Alternative fails to meet the basic objective of the Master Plan aimed at balancing the environmental, social, and economic needs of the District and the various user groups. In the near term this alternative will not meet a basic objective of the Master Plan because it does not provide for revenue-producing opportunities to support the Harbor District's public and enterprise functions.

Alternative II – Near-Term Emphasis of Coastal-Related Uses

Alternative II would emphasize the development of coastal-related uses in the near term (2 to 5 years) and phase in more coastal-related uses in the long-term (10 or more years) to meet the expected demand. Under this alternative, all of the lease spaces would be occupied by general retail, food service and other coastal-related businesses with no expansion of the coastal-dependent uses described above until such time as they could be subsidized without resulting in a financial hardship to the District. For example, on the Harbor Terrace site, a 147-room hotel and 22,000 sq.ft. restaurant would be constructed instead of the park, camp sites, and cabins. Table 8-3 of the FEIR provides a summary of the floor area/acreage associated with this alternative, followed by a brief discussion of the selected impacts.

Water Demand. Water demand at buildout of Alternative II would be about 109 acre feet per year, which reflects the development of 147 unit hotel and 22,000 square foot restaurant on the Harbor Terrace site. In addition, the lease spaces under this alternative are assumed to be occupied mostly by retail and food service businesses. Projected water demand under this alternative would exceed the Harbor District's water allocation of 100 acre-feet per year and would be considered a significant and unavoidable impact.

Wastewater Generation. Wastewater generation is estimated to be about 24,079 gallons per day at buildout of this Alternative, again reflecting the more water-intensive uses. Future wastewater generation is still considerably less than the District's 70,000 gallons per day allocation of capacity in the Avila treatment plant.

Trip Generation. Trip generation during the weekday afternoon peak hour is estimated to be about 208 trips during the weekday PM peak hour which is greater than that associated with the draft Master Plan. Nonetheless, with the traffic improvements recommended by the Avila Circulation Study, the additional twenty PM peak hour trips can be accommodated on Avila Beach Drive while maintaining level of service "C" or better. Impacts associated with this alternative would be considered worse than those associated with the draft Master Plan, but still less than significant.

Emergency Response Plan. The time estimated to evacuate the emergency planning zones following an emergency on a non-summer weekday is about 13 hours 19 minutes, which is still less than significant and slightly greater than that associated with the draft Master Plan.

Coastal Act Consistency. This alternative favors the development of more coastal-related uses in the near term with the goal of generating sufficient revenue so that the District could subsidize the future development of coastal-dependent uses. Accordingly, this alternative could be considered inconsistent with policies of the coastal act that favor coastal-dependent versus coastal-related uses, but would be consistent with policies that encourage the protection and encouragement of low-cost visitor-serving and recreational facilities. In the long-term, the generation of additional revenues by these coastal-related uses would enable the District to subsidize the development of coastal-dependent uses and remain financially solvent.

Findings: This alternative would result in significantly greater impacts to the environment and would be inconsistent with the basic objectives of the Master Plan aimed at balancing the environmental, social, and economic needs of the District and the various user groups.

Environmentally Superior Alternative

CEQA requires that an EIR identify the environmentally superior alternative from among the range of alternatives considered. Based on the analysis provided above and in the topical sections of the Final EIR, the environmentally superior alternatives are as summarized in Table 8-5.

Table 8-5: Qualitative Comparison of Alternatives

Impact Topic	No Project (1983 Master Plan)	Coastal Dependent Emphasis	Coastal Related Emphasis	2003 Draft Master Plan (mitigated project)
Watershed/Drainage	=	=	>	Class II
Biological Resources	=	=	>	Class II
Cultural Resources	=	=	>	Class II
Geologic Hazards	=	<	>	Class II
Public services	<	<	>	Class II
Traffic and Circulation	<	<	>	Class II (Class I for Highway 101)
Air Quality	<	<	>	Class I for construction
Noise	<	<	>	Class II
Land Use Compatibility	=	=	>	Generally consistent
Views/Aesthetics	=	<	>	Class II
Overall	<	<	>	

- > Greater impact than associated with the project site.
- < Less impact than associated with the project site.
- = Comparable impact to that associated with the project site.

In spite of the fact that not all of the objectives associated with the 2003 Plan would be achieved, the Coastal Dependent Emphasis Alternative is considered the environmentally superior alternative for CEQA purposes. The next most environmentally superior alternative is the No Project alternative.

The implementation of the Coastal Dependent Emphasis Alternative would have the fewest environmental effects when compared to the other alternatives analyzed in the Final EIR.

EXHIBIT LRP2004-00003: C

PROPOSED PLANNING AREA STANDARDS

1. **Revise Chapter 6, San Luis Bay Coastal Area Plan, Rural Area; Page 6-3, by amending the language as follows:**

Public Facilities

There are two areas ~~The only area~~ designated Public Facilities. ~~is~~ Diablo Canyon, the site of the Diablo Canyon Nuclear Power Plant, ~~the designation~~ includes the plant site property and the leasehold area controlled by Pacific Gas and Electric Company. Point San Luis Lightstation which includes the sandy beach area on the east side of the breakwater and the rocky inter-tidal areas between Point San Luis Lighthouse and Harford Pier. This land use category should not be expanded beyond its present property.

B. AVILA BEACH LAND USE

For ease of discussion the land uses in the Avila Beach Urban Area are divided into four Sections: Avila Beach, including the Port San Luis Harbor District; San Luis Bay Estates; Pirates Cove; and Avila Valley.

AVILA BEACH

This area includes the townsite of Avila Beach, the Union Oil Company property and the Port San Luis Harbor District lands. This total area is contained within the Urban Services Line.

Residential Multi-Family

Existing development is primarily residential, with the majority of structures being single-family residences or duplexes. There are also a few motel units that are rented as apartments fall through spring. Some of the older residences are run-down and detract from the visual quality of the community.

The character of Avila Beach will continue to be that of a recreation community. It is also expected that the residential type will continue to be single-family and duplexes on small lots, with the net resultant density being that of multiple residential. New development proposals for multiple family dwellings must be consistent with the total community character and also be responsive to the varied terrain and viewsheds of existing development.

The Avila Beach Specific Plan adopted for the Avila townsite specifies the type and density of new Residential Multi-Family projects. Mixed use projects, where appropriate, are encouraged, including the combination of visitor lodging and traditional multi-family dwellings.

2. Revise Chapter 6, San Luis Bay Coastal Area Plan, Avila Beach Urban Area; Pages 6- 4 through 6-5, by amending the language as follows:

Public Facilities

This land use category is applied to lands along Harford Drive owned by or under a long-term lease with the Port San Luis Harbor District. The lands owned by the harbor district are proposed for a wide variety of recreational uses, to be constructed in phases over a period of several years.

Uses contemplated are berthing for commercial and pleasure craft, boat repair, auto and boat trailer parking, and ~~a restaurant~~ visitor-serving and coastal dependent uses, all of which would be compatible with the harbor character.

Due to the unknown nature of crew base requirements at this time, any such improvements will require amendment to the harbor plan and county development plan approval based upon the criteria identified in the Avila Beach Urban Area Programs and Standards.

Industrial

This land use designation is applied to the Union Oil Company property adjacent to the easterly edge of the townsite, ~~and to the company pier west of San Luis Obispo Creek~~. The site of approximately 120 acres is located on a large hill overlooking the town and has been used for many years as a site for Union Oil's tank farm for petroleum storage. The tank farm site is a major visual feature as it overlooks and can be seen from all points of the community.

The storage site is relatively flat, with slopes of 0-15%, but this turns to rather steep cliffs on all sides of the site with over 30% slopes. At one time, there were approximately 12 major storage tanks on the flat section of the site with small tanks and accessory buildings (i.e., water tanks, truck loading facilities) scattered throughout. In conjunction with the clean-up of petroleum contamination in the community, Union Oil Company has removed the tanks and other facilities, except for small water tanks. The property is fenced and access is restricted to Union Oil Company officials. Future utilization of the site should not infringe on the steep wooded slopes along the northern perimeter above Avila Road or damage the bluffs along the waterfront. Union Oil maintains their own sewage disposal system and fire protection facilities, but receives water from the Avila Beach Community Services District.

3. **Revise Chapter 6, San Luis Bay Coastal Area Plan, Planning Area Land Use Programs; Page 6-16 and 6-17, by amending the language as follows:**

AVILA BEACH URBAN AREA PROGRAMS

The following programs apply within the Avila Beach urban reserve line to locations in the land use categories listed.

Communitywide

1. **Priority Coastal-Dependent and Coastal-Related Uses.** Priorities and policies of the California Coastal Act and the San Luis Obispo County Local Coastal Plan shall be considered in reference to any development proposal in the Avila Beach Urban Area, which could impact traffic levels on Avila Beach Drive.[Added 1995, Ord. 2702]
2. **Pirates Cove Maintenance.** The Port San Luis Harbor District, County, and property owners should work together to develop a beach maintenance program that at a minimum addresses trash collection.

Commercial Retail

1. **Parking.** The county should work with property owners toward development of adequate parking facilities needed to serve the downtown and beach areas.
2. **Facility Management.** The county should cooperate with the town of Avila, the Avila Beach Community Services District, the Avila Beach Community Foundation, the Port San Luis Harbor District, and Front Street property owners to facilitate management of facilities in the downtown area of Avila Beach, including the beach and pier, the park, and the parking lot.

Industrial. The following programs apply to the Union Oil ~~marine terminal and tank farm.~~

3. **On-Shore Pipeline Alternative.** The county should encourage expansion or construction of onshore petroleum pipelines when and where feasible in lieu of any expansion of marine terminal facilities or operations.
4. ~~**Abandonment of Pier.** At such time as the Union Oil Pier is no longer needed for petroleum operations, the county, the State Department of Parks and Recreation or other public agency should be offered the right of first refusal if the pier is determined appropriate for recreational use.~~
5. ~~**Onshore Pipeline.** The county should encourage the State to study extending the onshore pipeline being proposed to service offshore oil development in the Santa Barbara Channel and northern Santa Barbara County, northward to intercept oil presently being exported through Port San Luis.~~

Public Facilities. The following program applies only to the Port San Luis Harbor District.

4. 6: Future revisions to the harbor master plan should be based upon the following priorities:

Priority I: Coastal-Dependent Uses

- a. ~~Commercial Boating and fishing and related mariculture/aquaculture~~
- b. ~~Sport fishing~~ Aquaculture and mariculture
- c. ~~Recreational boating~~ Beach activities and other oceanfront recreational uses
- d. ~~Energy-related facilities~~ Fish off-loading

Priority II: Coastal-Related Uses

- a. ~~Other visitor-serving retail commercial uses and other coastal-related uses~~
- a. Boat trailer storage
- b. Equipment rental
- c. Seafood processing
- d. Other uses that provide for needs of waterfront visitors and workers such as overnight accommodations, restaurants, and parking

Priority III: Other Uses

- a. Other uses which are neither coastal dependent or related, including marine research and education, offices, or general retail

Priorities and policies of the California Coastal Act shall be considered in all harbor development. Prior to approval of any use which is not coastal-dependent the harbor district shall make a finding that adequate resources and services have been reserved for all coastal dependent uses proposed in the master plan. ~~(PSL Policy G-3)~~

4. **Revise Chapter 8, San Luis Bay Coastal Area Plan, Planning Area Standards; Page 8-1, by amending the language as follows:**

A. **SAN LUIS BAY RURAL AREA STANDARDS**

The following standards apply to lands within the San Luis Bay Planning Area outside of urban and village reserve lines, in the land use categories or specific areas listed.

AREAWIDE: The following standards apply to lands within the rural portions of the San Luis Bay Planning Area which are not limited to a single land use category.

1. **Port San Luis Lightstation.** Unlike the other properties owned and maintained by the Port San Luis Harbor District, the Lightstation Planning Sub-Area is located within the rural portion of the San Luis Bay Planning Area (figure 8-4). In order to maintain the integrity of the Port San Luis Harbor Master Plan, standards that apply to the Lightstation Planning Sub-Area of the Port San Luis Harbor Master Plan are found in Subsection B, Avila Beach Urban Area Standards, of this plan. All development within the Lightstation Planning Sub-Area is to be in conformity with the Avila Beach Urban Area Standards.

Circulation

2. 1. **Areawide Systems - Development Plan Projects.** Development Plan proposals are to be integrated into areawide circulation Map Figure 8-1 and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible or where known areawide rights-of-way are planned.
3. 2. **Driveways - New Land Divisions.** New land divisions are to include, where possible, design provisions for combining driveways and private access roads serving proposed parcels wherever terrain and adequate sight distance on the public road allow.
4. 3. **Pedestrian and Bikeways - New Land Divisions.** Provide for safe and site-sensitive pedestrian and bike circulation facilities in the design of roads for new subdivisions where feasible.
5. 4. **Road Design and Construction - New Land Divisions.** Road alignments proposed in new land division applications are to be designed and constructed to minimize terrain disturbance consistent with safety and construction cost. Altered slopes are to be replanted with indigenous plants or protected by other appropriate erosion control measures.

5. **Revise Chapter 8, San Luis Bay Coastal Area Plan, Planning Area Standards; Pages 8-3 through 8-5, by amending the language as follows:**

COMBINING DESIGNATIONS: The following standards apply only to lands in the Airport Review (AR), Energy and Extractive Resource Area (EX), Sensitive Resource Area (SRA), and Local Coastal Plan (LCP) combining designations in the rural portions of the planning area, as listed below.

Airport Review Area (AR)

1. **Airport Land Use Plan Included by Reference.** The adopted Oceano County Airport Land Use Plan is hereby incorporated into this Land Use Element as though it were fully set forth here.
2. **Limitation on Uses Within Airport Review Area.** Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the adopted Oceano County Airport Land Use Plan.
3. **Development Standards - Private Lands.** All permit applications for sites within the boundary of the adopted Oceano County Airport Land Use Plan are subject to the development standards set forth in that plan.

Energy and Extractive Resource Areas (EX)

4. **Permit Requirement - Price Canyon Oilfield.** Development Plan approval is required for any expansion of existing oilfield operations in Price Canyon, Tiber Canyon and in the hills off Ormonde Road into adjacent land use categories.
5. **Diablo Canyon Nuclear Power Plant Access.** Access to the power plant site is to remain in control of Pacific Gas and Electric Company. Development of adjacent land shall not provide access to the power plant site.

Historic Area (H)

6. **Port San Luis Lighthouse - Access.** Public access is to be by foot or by shuttle service, with costs borne by users. Public automobile access is prohibited.

Local Coastal Plan (LCP)

7. **Shoreline Access - Mallagh Landing.** New development shall be required to incorporate means to ensure that public access will be permitted on a permanent basis. Such assurance could include an offer-to-dedicate or a deed restriction. The extent of dedication and improvements, and the appropriate agency for maintenance will be determined as a part of the Development Plan. The level of public access required must be consistent with the extent of development approved and the potential prescriptive rights which may exist in the area. However, the minimum requirement shall be a means of ensuring public use of the sandy beach and a blufftop area for parking. Other improvements which may be appropriate include:

- a. Parking area for 100 cars is to be improved. The parking area is to be surfaced with a permeable material to control bluff erosion. Selection of the site and improvement of the parking area is to be consistent with protection of the archaeological resources and geological conditions on the site.
 - b. Parking area is to be enclosed with a low-level fence of natural materials to contain vehicular use. Areas disturbed by vehicle overuse should be revegetated.
 - c. The parking area is to be landscaped with native trees and vegetation.
 - d. Restrooms and trash receptacles are to be provided.
 - e. Pedestrian trail to the beach is to be improved extending from the parking area.
 - f. Pedestrian and bicycle accessway is to be maintained and signed to allow access from Shell Beach.
8. **Shoreline Access Improvements - Port San Luis.** New development shall be required to provide and improve public access along the landfill and the sandy beach adjacent to the landfill which extends to Avila State Beach. This will be necessary to offset the loss of sandy beach presently accessible to the public. Improvements for public access may include: stairway, boat-launching facility for non-hoist vessels, restrooms, trash receptacles and signs.

6. Revise Chapter 8, San Luis Bay Coastal Area Plan, Planning Area Standards; Pages 8-6 through 8-22, by amending the language as follows:

B. AVILA BEACH URBAN AREA STANDARDS

The following standards apply within the Avila Beach urban reserve line to the land use categories or specific areas listed. Avila Beach urban area standards are grouped first by those applicable to the town of Avila, then under Avila Valley, and San Luis Bay Estates.

AVILA BEACH

The following standards apply only to lands within the town of Avila Beach, to the land use categories or specific areas listed.

COMMUNITYWIDE: The following standards apply within the Avila Beach urban reserve line and are not limited to a single land use category.

1. **Water Authorization Required.** Submittal of a "will-serve" letter from the Avila Water District is required prior to issuance of any building permits for construction proposed to have water service.
2. **Avila Beach Drive and San Luis Bay Drive Level of Service.** Reserve a portion of the Avila Beach Drive road capacity to serve coastal dependent uses and do not subject Avila Beach Drive to traffic levels exceeding Level of Service (LOS) "C" overall. The LOS Level of Service (LOS) for Avila Beach Drive and San Luis Bay Drive shall be based on the average hourly weekday two-way 3:00 p.m. to 6:00 p.m. traffic counts to be conducted during the second week in May of each year. Fire access lane requirements will comply with the adopted fire code for the County of San Luis Obispo. Further, no substantial damage shall be allowed to the environmentally-sensitive habitat of San Luis Obispo Creek, without equivalent offset mitigation or enhancement measures.
3. **Avila Beach Specific Plan Included by Reference.** The Avila Beach Specific Plan, and any amendments made thereto, is hereby incorporated into this Land Use Element as though it were fully set forth here. All development within the Avila Beach Specific Plan planning area (as shown above) is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay Area Plan and the Specific Plan, the Specific Plan shall control.
4. **Permit Requirement.** Unless otherwise specified in the Avila Beach Specific Plan, Minor Use Plan approval is required for all proposed new uses. All development activities on the Tank Farm shall require Development Plan review and approval.
5. **Temporary Events:** Where allowed as S-17 uses by the Land Use Element, temporary events in the town of Avila Beach are subject to the following standards:

a. **Permit Requirements:** Minor Use Permit approval, except as follows:

Public Events. Except as otherwise provided in this section, no land use permit is required for:

Events occurring in approved theaters, convention centers, meeting halls or other approved public assembly facilities; or

Admission free events held at a public park or other land in public ownership when conducted with the approval of the public agency having jurisdiction, provided that the event is conducted in accordance with all applicable provisions of this title; or

Other free admission events which are eight hours or less in duration and are operated by non-profit organizations.

In accordance with the Coastal Commission Guidelines for Temporary Events adopted on January 12, 1993, a Coastal Development Permit shall be required for any temporary events that meet all of the following criteria:

- are held between Memorial Day weekend and Labor Day; and,
- occupy all or a portion of sandy beach area; and,
- involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

Image Not Available

Figure 1-1: The planning area for the Avila Beach Specific Plan coincides with the boundary of the Avila Beach Community Services District.

However, temporary events may be excluded from coastal development permit requirements when:

- the fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or,
- the event is less than one day in duration or,
- the event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously approved event.

Notwithstanding the above provisions, a temporary event may be subject to coastal development permit review if unique or changing circumstances exist that have the potential for the temporary event to have a significant adverse impact on coastal resources. Such circumstances may include:

- the event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;

- the event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources such as public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, agricultural lands, and archaeological or paleontological resources;
- the event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
- the event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

In the event of any conflict regarding a determination by San Luis Obispo County as to whether a temporary event requires a coastal development permit, the matter shall be referred to the Executive Director of the Coastal Commission for resolution.

- 6. Permit Requirement - Port Facilities.** New development, including alterations to port facilities (other than those approved by coastal commission permits or on-going maintenance) shall require a Minor Use Permit, unless Development Plan approval is otherwise required by the Coastal Zone Land Use Ordinance (Title 23).
- 7. Port San Luis Harbor District Port Master Plan.** Permit approval of facilities under jurisdiction of the Port San Luis Harbor District may be granted only where consistent with the policies of the Harbor Port Master Plan, Appendix I of the Port Master Plan, the Local Coastal Program, and upon prior approval from the Harbor District.

PORT SAN LUIS DISTRICTWIDE GOALS AND POLICIES

The following goals and policies apply only to lands owned or controlled by the Port San Luis Harbor District.

Goal: A Harbor with protected, maintained, and enhanced resources that balances the environmental, social, and economic needs of the various user groups.

Development Approvals

- 1. Permit Requirement.** All new development shall obtain Harbor District approval prior to seeking approval from the County of San Luis Obispo or the California Coastal Commission.
- 2. Coastal Development Permitting Authority.** All Port land-based properties are under the primary permitting jurisdiction of the County of San Luis Obispo. Permitting for tideland and water areas are administered by the California Coastal Commission.
- 3. Mitigation Measures.** In addition to Chapter Three policies, refer to the Appendix J of the Port Master Plan for mitigation measures.

4. **Cal Poly Pier.** The Cal Poly Pier (formerly Unocal Pier) is intended for educational purposes only. Use of the Pier for the support of offshore oil exploration is prohibited.

Priorities, Services, And Facilities

1. **Priorities for Development of Facilities and Allocation of Service Capacity.** Use priorities and policies of the California Coastal Act when determining the appropriateness of proposed uses and developments and allocating service capacity. Prior to approval of any use that is not coastal dependent, make a finding that adequate resources and services are reserved for coastal dependent uses proposed in this Master Plan. Development will reflect the priorities according to the following classifications:
 - a. **Coastal Dependent Uses.** The first priority is to meet the needs of uses that derive their viability directly from proximity to the ocean including boating and fishing, Harbor operations, aquaculture and mariculture, beach activities, fish off-loading, and oceanfront recreational uses.
 - b. **Coastal Related Uses.** The secondary priority is to accommodate uses that relate to but do not require the presence of water including trailer boat storage, equipment rental, and seafood processing, as well as uses that provide for the needs of waterfront visitors and workers, such as overnight accommodations, restaurants, and parking.
 - c. **Other Uses.** The third priority is to accommodate those uses that do not otherwise fit into coastal dependent or coastal related uses, including marine research and education, offices or general retail.
2. **Service Capacity.** Ensure proposed development of projects and related improvements are within the circulation and utility capacity available to the Harbor area or will be provided through a planned program of improvements. The following existing capacity limits are recognized for water and wastewater services, Avila Beach Drive road capacity, and parking:
 - a. **Water.** Do not exceed the existing 100 acre-feet per year (AFY) available to the Harbor District from its Lopez entitlement. The District shall not sell or otherwise dispose of this entitlement to any users except lessees, concessionaires, or other Harbor uses consistent with this Master Plan. A 5-acre-foot per year reserve is desired. Water requirements for fire protection shall comply with the adopted fire code for the County of San Luis Obispo.
 - b. **Wastewater.** Do not exceed available capacity owned by the Harbor District in the Avila Beach Community Services District wastewater treatment plant and/or other such facility as may be constructed to expand wastewater treatment capacity. The District shall not sell or otherwise dispose of this entitlement to any users except lessees, concessionaires, or other Harbor uses consistent with this Master Plan.
 - c. **Parking.** Maintain adequate parking to accommodate Harbor users and visitors. Require new uses to provide additional parking consistent with the County Land Use Ordinances.

3. **Boating and Fishing Facilities.** Recognize and protect the importance of boating and fishing to Port San Luis by requiring other uses to incorporate site and design measures that avoid interfering with these priority uses.
4. **Visitor Serving and Recreational Facilities.** Enhance public enjoyment of the San Luis Obispo Bay waterfront by protecting and where feasible and appropriate, providing a range of opportunities for coastal recreation and visitor serving facilities, including affordable services.
5. **Revenue-Balanced Activities.** Provide a balanced mix of revenue and non-revenue producing uses on Port properties to support the District's public functions and meet the needs of waterfront visitors.
6. **Marine Science and Education.** Allow, subject to review, facilities for marine-related scientific research and education on property owned or managed by the Port so long as the Harbor District Board of Commissioners has found that such research and education facilities do not limit the availability of infrastructure capacity for coastal dependent and coastal related activities listed in the 2004 Port San Luis Master Plan and these Planning Area Standards.

Access

Goal: Adequate access for all Harbor users and visitors.

1. **Access to Vessels and Water.** Maintain and enhance access to the water, boats, and boating facilities. Maintain the overall launching capability of the Harbor at levels in consideration of demand and safety, the availability of parking, economic circumstances, and dredging needs.
2. **Shoreline Access.** Maintain public access to the beaches, oceans, and Port properties, and enhance where feasible and consistent with public safety.
3. **Development Contributions to Enhanced Access.** Require new commercial developments or redevelopments to provide public access improvements and enhancements including related improvements such as interpretive exhibits, benches, and picnic tables.

Aquatic and Terrestrial Habitats

Goal: Responsibly managed and protected resources in and surrounding San Luis Obispo Bay (State-granted Tidelands).

1. **Marine Environments.** New development, including alterations to port facilities (other than those approved by Coastal Commission permits or on-going maintenance) shall not result in significant and unavoidable decreases in water quality of San Luis Obispo Bay, including sensitive habitats to San Luis Creek.
2. **Clean Boating.** The Port District shall with other entities in efforts to educate and encourage boaters and boating facility operators to use best management practices.

3. **Runoff Controls.** Require implementation of effective runoff control strategies and pollution prevention activities by incorporating the most current best management practices for all new development.
4. **Native Vegetation.** Require landscaping plans to incorporate native plants and other coastal species appropriate to the site that reflect the Port's waterfront character.
5. **Land-based Sensitive Resources.** Incorporate decisions and implementation measures that protect environmentally sensitive resources.

Visual and Scenic Resources

Goal: A Landscape that reflects the context of its use and the natural setting with minimal impacts to scenic viewsheds.

1. **Waterfront Character.** Protect scenic qualities including the time-honored character of Port San Luis and compatibility with surrounding uses and views.
2. **Bluffs and Hillside.** Site and design new development on bluffs and scenic hillsides to protect scenic resources and reduce prominent visual impacts.
3. **Historic Areas.** Adhere to adopted guidelines and legal provisions for renovation of Port properties with historic significance.
4. **Long-term Design.** Incorporate visually pleasing design solutions that limit long-term maintenance requirements.

Archaeology

1. **Cultural Resources.** Incorporate into decisions implementation measures that conserve cultural and historical resources in development of affected Port properties.

Hazards

1. **Natural Hazards.** In areas subject to natural hazards, require new development to be located and designed to limit risks to human life and property to the greatest extent practicable.

PLANNING SUB-AREA GOALS AND POLICIES

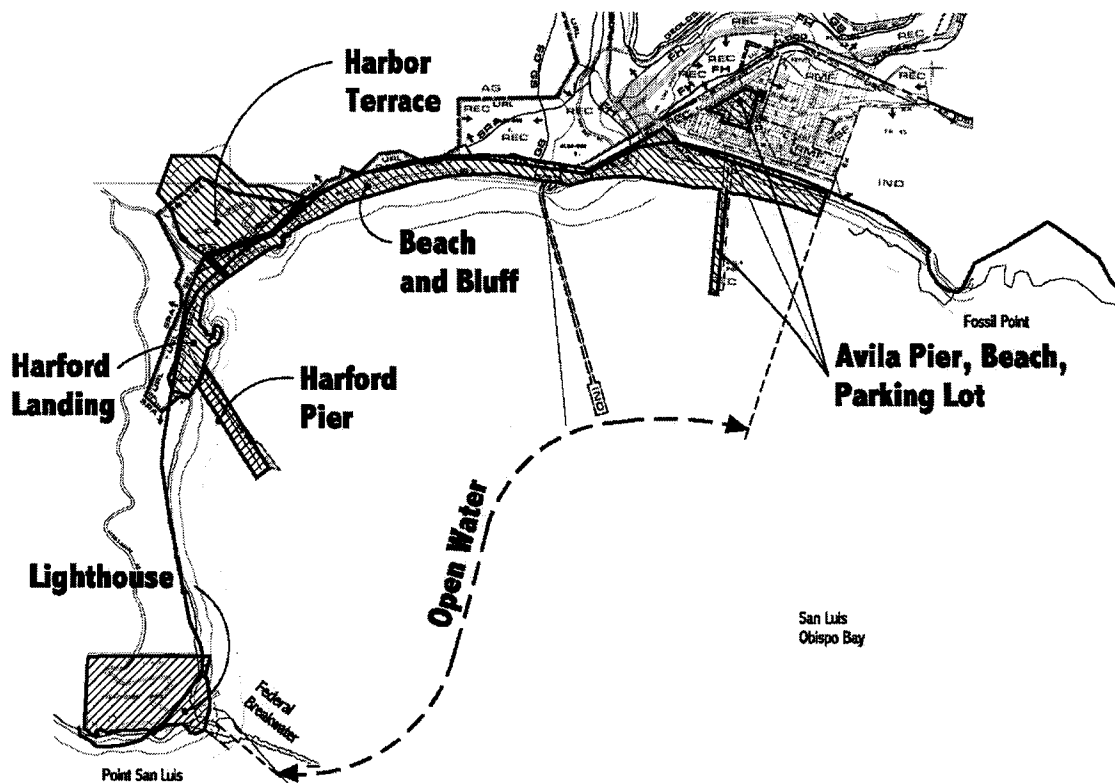


Figure 8-4: Port San Luis Harbor Planning Areas

Open Water. The following goal and policies apply only to the Open Water Planning Sub-Area. The California Coastal Commission administers permits for the Open Water Area. (For simplification, the 2004 Port San Luis Master Plan and these Planning Area Standards include Open Water-related discussions, policies, and improvements organized under Coastal Commission jurisdiction. Although the Open Water Planning Sub-Area only comprises 520 acres, the Harbor District manages water areas out to sea for three miles.)

Goal: **A water area with a healthy marine environment that is manageable and financially feasible, with limited user conflicts and sufficient public access.**

1. **Water Space Distribution.** The Port shall divide water areas among moorings for commercial fishing, recreational power and sailing vessels, anchorages, navigation channels, open water areas, swimming areas, and other water uses according to the Harbor District Board of Commissioners policy and changing market demands.
2. **Other Vessels.** Allow mooring and anchoring of industrial, commercial, governmental, and marine research vessels subject to case-by-case Harbor District determination.

3. **Breakwater.** Consider and evaluate complete proposals to expand the breakwater protection, including proposals for alternative breakwater systems, and developing a marina at Port San Luis.
4. **Limitation on Use.** Maintain the Open Water Area for navigation purposes, fishing and boating, water sports, and biological resources such as aquaculture and mariculture. Also allow boat rental, boat storage and launching facilities, sightseeing facilities, marine research and education, marinas, public safety facilities, water taxi, fuel and ice sales, yachting and rowing clubs, and cruise ships.
5. **Boat Launching Facilities.** Explore and implement methods to reduce dredging at launches.

Harford Pier. The following goal and policies apply only to the Harford Pier Planning Sub-Area. The Coastal Commission administers coastal development permits for Harford Pier.

Goal: An historically authentic and structurally sound working pier that encompasses a mix of coastal dependent, coastal related, and some visitor serving uses.

1. **Historic Character.** Maintain and improve Harford Pier in accordance with the historic character and use of the facility as well as the adopted Harford Pier Design Guidelines.
2. **Reserve Space.** Notwithstanding the replacement of existing coastal related and visitor-serving activities and uses, reserve remaining space on Harford Pier for coastal-dependent uses. Maintain a 30-foot open space setback at end of pier.
3. **Limitation on Use.** Allow commercial and recreational fishing loading facilities, maritime access and landings, eating and drinking establishments, fisherman's market and direct seafood sales (off of boats), wholesale and retail seafood sales, seafood loading, unloading and transportation, yachting and rowing clubs, boat fuel and lube oil dispensing, boat rental, skiff storage and launching facilities, sportfishing, sightseeing, ice making and sales, excursion boats, passenger transportation on water, mariculture and aquaculture support facilities, coastal accessways, educational and historic displays and exhibits, specialized marine-related programs, passive recreation, marine-related merchandise stores, Harbor Offices, public safety facilities, maritime emergency use, vehicle access, and limited parking.
4. **Pier Expansion.** Expand the width of the Harford Pier stem to the extent of the historic pier footprint to support coastal dependent uses, increase water access, and improve fire ingress/egress.
5. **Limited Parking.** Allow limited parking on Harford Pier consistent with the applicable fire authority requirements.
6. **Rehabilitation.** Rehabilitate the entire pier from the stem to the terminus. Repair or replace pilings, substructure railings, fender systems, and infrastructure through a phased approach.

Harford Landing. The following goal and policies apply only to the Harford Landing Planning Sub-Area. The County of San Luis Obispo administers coastal development permits for Harford Landing.

Goal: **A land area that is physically and financially supportive of coastal dependent, coastal related and visitor-serving functions that are on and around Harford Pier and the San Luis Obispo Bay waterfront.**

1. **District Presence.** Maintain an official Harbor District presence at Harford Landing; however, the Port may relocate the primary Harbor Offices and maintenance complex to another location on Port property.
2. **Beneficial Use.** Provide efficient, safe, and convenient parking and circulation to benefit all users.
3. **Limitation on Use.** Allow uses and developments on Harford Landing that are supportive of coastal dependent, coastal related, or visitor uses for Harford Pier and San Luis Obispo Bay waterfront. Permitted uses on Harford Landing shall include public parking, commercial and recreational fishing support facilities, support facilities, retail and wholesale seafood sales, boat repair, fuel storage and handling, eating and drinking establishments, yachting and rowing clubs, boat rental, boat storage and launching facilities, sportfishing, sightseeing facilities, boat engine repair and sales, marine supply, aquaculture and mariculture support facilities, overlooks, paths, trails, transit station (shuttle stop), visitor center, educational and historic displays and exhibits, passive recreation, food and beverage retail sales, marine related merchandise sales, outdoor seasonal sales and retail events, Harbor Offices, public safety facilities, accessory storage, temporary events, shoreline protection, restrooms, and showers. Allow RV camping until another suitable location is established on Port property.

Beach and Bluffs. The following goal and policies apply only to the Beach and Bluff Areas. The Coastal Commission administers coastal development permits for the beaches up to the mean high tide line. The County of San Luis Obispo administers coastal development permits for areas landward of the mean high tide line in the Beach and Bluff Area, including the bluff overlooks and areas within the County right of way.

Goal: **The Beach and Bluff Areas provide adequate public access, open space, and complementary facilities, where appropriate.**

1. **Public Space.** Provide space for public viewing opportunities and single-car parking at the bluff overlooks, consistent with public safety needs including the stability of the bluffs.
2. **Vertical Access.** Provide adequate, safe, and convenient public access to beaches.
3. **Lateral Access.** Provide and maintain lateral public access along the seaward side of Avila Beach Drive via informal or formal paths and /or sidewalks. The Harbor District shall coordinate District maintained accessways to connect with new public access where possible.

4. **Small Craft Launch.** Allow public vehicle access to Olde Port Beach for boat launching purposes consistent with public safety needs while protecting the natural resource.
5. **Coordinate Development.** Coordinate planning and development of the Beach and Bluff areas with the development of visitor serving uses on Harbor Terrace.
6. **County Right-of-Way.** Prohibit relocation of Avila Beach Drive unless necessary for public safety purposes or to enable safe access to Harbor facilities.
7. **Limitation on Use.** Allow overlooks, paths, trails, parking, picnicking, restrooms, sightseeing facilities, interpretive displays and exhibits, passive recreation, commercial and recreational fishing, boat rental, small boat launching facilities, camping, trolley stop, visitor center, mobile retail vendors, outdoor events, public safety facilities, coastal related temporary events, beach nourishment, and shoreline protection. Allow RV camping at the Bluff area until another suitable location is established on Port property.

Harbor Terrace. The following goal and policies apply only to the Harbor Terrace Planning Sub-Area. The County of San Luis Obispo administers coastal development permits for Harbor Terrace.

Goal: Harbor Terrace encompasses a mix of uses that enhances the public's enjoyment of the Port, serves the needs of harbor users, and may augment Port income.

1. **Development Intent.** Development of the Harbor Terrace Planning Sub-Area shall provide a range and mix of uses, with emphasis on coastal related and visitor serving uses, so that the land is financially and physically supportive of Harbor District operations.
2. **Harbor Users.** Reserve area on Harbor Terrace to accommodate current and future Harbor District and other user needs including gear storage, trailer boat storage, and other harbor uses.
3. **Visitor Uses.** Provide visitor-serving retail uses that are complementary to the harbor so that this area may enhance the public's enjoyment in ways that financially and physically support the Harbor District's public functions. Include overnight accommodations and commercial uses according to market demand and feasibility. Overnight accommodations shall include a minimum of ten percent (10%) affordable visitor serving facilities.
4. **Environmental Performance.** Encourage new development to integrate site and building design techniques that are environmentally sensitive and energy conserving.
5. **Pedestrian Access.** In new visitor serving developments on Harbor Terrace, incorporate measures to provide safe pedestrian access onsite and coordinate access to the beach and other Port facilities.
6. **Limitation on Use.** Allow trailer boat and gear storage, eating and drinking establishments, food and beverage retail sales (e.g., market or commissary), yachting and rowing clubs, paths, trails, scenic overlooks and sightseeing facilities, public parking,

picnicking, accessory storage, hotels and motels (camping, bungalows, tent cabins, inns, casitas, bed and breakfast), recreational vehicle parks, meeting facilities, group camping, passive recreation, communication facilities, specialized programs, outdoor retail sales, Harbor Operations (including offices, storage and maintenance yard), public safety facilities, temporary events, interpretive displays and exhibits, shuttle station, aquaculture and mariculture.

7. **Trailer Park.** The existing trailer park shall be closed, consolidated, or relocated consistent with the California Harbors and Navigation Code §6086 and Government Code §65863 prior to, or concurrent with, any approved development of the site.
8. **Parcel Acquisition.** The Harbor District shall pursue acquisition of necessary property adjacent to Harbor Terrace to implement the Port Master Plan Improvements.
9. **Service Restriction.** Prohibit extension of roads, infrastructure, services, or other development connections through the Harbor Terrace property to other non-Harbor District properties. This restriction does not preclude trailhead connections.

Lightstation. The following goal and policies apply only to the Lightstation Planning Sub-Area. The County of San Luis Obispo administers coastal development permits for the Lightstation Planning Sub-Area.

Goal: A fully restored and protected facility that serves as an educational, historic, and recreation site, supported by managed access and predominantly external funding.

1. **Port San Luis Lightstation Historic Structures Report and Treatment Plan Included by Reference.** The Point San Luis Lightstation Historic Structures Report and Treatment Plan, and any amendments made thereto, is hereby incorporated as though it were fully set forth here. All development within the Lightstation Planning Sub-Area is to be in conformity with the National Park Service approved Treatment Plan and documents of Utilization and Acquisition, as well as all other applicable LCP standards.
2. **Historic Character.** The Harbor District shall restore and protect the historic character of the lighthouse facility pursuant to the approved Lightstation Treatment Plan.
3. **Managed Access.** The Harbor District shall provide managed public access to the Point San Luis Lighthouse (e.g., trail, water taxi, staging, kayak, shuttle) and improve connections between the Lighthouse and other Port properties.
4. **Parking and Staging.** Allow remote parking on Port property or provide other appropriate parking and staging to accommodate visitors to the Lighthouse.
5. **Limitation on Use.** Allow uses that comply with deed restrictions and the Lighthouse Documents of Acquisition and Utilization, including docent-led access, camping, bed and breakfast (only in existing buildings, for a maximum of 40 overnight guests), special events, paths and trails, sightseeing, picnicking, historic sites and museums, specialized

programs, boat storage, administrative offices, maintenance shop, boat launching, water taxi, communication facilities, passive recreation, temporary events, shoreline protection, and lighthouse-related gift or novelty shop.

Avila Beach, Pier, and Parking Lot. The following goal and policies apply to the Avila Planning Sub-Area (Beach, Pier, and Parking Lot). The Coastal Commission administers coastal development permits for Avila Pier and up to the mean high tide line on Avila Beach. The County of San Luis Obispo administers coastal development permits for beach areas landward of the mean high tide line and the public parking lot.

Goal: **An attractive recreational beach and pier, convenient and adequate parking, and complementary coastal dependent, marine-related, and visitor-serving retail establishments in appropriate locations.**

1. **Recreational Value.** Provide opportunities for fishing, passive recreation, and other compatible waterfront recreational uses at Avila Beach and Pier.
2. **Water Access.** Provide a mix of water access facilities at Avila Pier.
3. **Acquisition Proposals.** Consider any proposal to acquire, operate, improve, and maintain all of the Port's Avila Beach properties, as an entire package, from responsible public entities that shall continue to maintain these properties in the public trust.
4. **Limitation on Use-Avila Beach.** Maintain existing uses at Avila Beach and avoid cluttering the area with unnecessary structures. Allow fishing, boating, yachting and rowing clubs, temporary boat storage, boat rentals, boat launching, sightseeing, picnicking, overlooks, aquaculture, coastal access, passive recreation, outdoor special events, outdoor sports and recreation, non-motorized recreation equipment rental, public safety facilities, shoreline protection, and temporary events.
5. **Vehicle Access on Pier.** Allow restricted vehicle access through the Front Street plaza to the Pier with oversight and permission of the Harbor District and County of San Luis Obispo.
6. **Limitation on Use-Avila Pier.** New uses shall be in support of coastal dependent, coastal related, visitor serving, or recreational uses with a maximum buildout potential of 6,000 square feet. Proposals must meet fire authority requirements, parking requirements, Chapter 4 design recommendations for Avila Pier, and be approved at a public hearing of the Harbor Commission. Allow commercial and recreational fishing, coastal access, marine-related wholesale and / or retail, eating and drinking establishments, yachting and rowing clubs, boat rental, small boat temporary storage, launching facilities, sportfishing, sightseeing facilities, other marine-related facilities, aquaculture, direct seafood sales (from docked boats), educational, historic and fisherman's marine-related displays and exhibits, passive recreation, food and beverage sales, restrooms, outdoor retail events, public safety facilities, accessory storage, and major emergency use.
7. **Parking Standard.** Maintain a minimum of 300 parking spaces in the Avila parking lot for public beach and pier parking. The Harbor District may use revenues from a paid parking program to support Avila Beach and Pier public facilities.

8. **Limitation on Use-Avila Parking Lot.** Allow parking and related landscaping, overlooks, restrooms, shuttle or transit station, outdoor retail sales, temporary events, public safety facilities, accessory storage, eating and drinking places, affordable workforce housing, and visitor uses consistent with the Avila Beach Specific Plan

INDUSTRY AND ENERGY DEVELOPMENT

1. **Offshore Oil and Crew Base and Support Uses.** Offshore oil and crew base and support uses may be approved only after amendments to the Port San Luis Master Plan, County Local Coastal Program and a vote in favor by a majority of the resident voters in San Luis Obispo County in accordance with Measure A as described in Energy and Industrial Development Policy 1A of the LCP Policy Document, and Section 8.115 of the Port San Luis Harbor District Code of Ordinances that authorize the proposed use and the specific location on the Landfill Area where the use is proposed.
2. Emergency use of the Port's facilities by any vessels may be allowed in the event of any serious emergency, but first must receive permission and follow the directions of the Harbor Manager or his/her designated representative.

COMMERCIAL RETAIL: The following standards apply only to lands within the Commercial Retail land use category (including the Front Street Commercial Retail district).

1. **Priority and Protection of Visitor-Serving Uses.** Priority shall be given to visitor-serving uses throughout the Front Street Commercial District and the Commercial Retail area. Low-cost visitor serving facilities shall be protected, encouraged and, where feasible, provided.
2. ~~**Storm Drainage.** Commercial development shall use best management practices (BMPs) to control and prevent pollutants from entering the storm drain system. BMPs shall be chosen and sized to meet the guidance of the California Storm Water Best Management Practices Handbook (Industrial/Commercial). Such measures shall include both source control and treatment control practices that insure contaminants do not leave the site. Stormwater runoff from commercial sites shall be filtered through BMPs that treat storm water runoff up to and including the 85th percentile storm event. Restaurant and other commercial cleaning practices that can impact water quality (such as floor mat rinsing and vehicle cleaning) by introducing chemicals to storm drain systems (detergents, oils and grease and corrosive chemicals) shall provide designated areas that collect and dispose of this runoff through the sanitary septic system. Street sweeping and cleaning shall use best management practices outlined in the above referenced handbook or the Model Urban Runoff Program to keep contaminants and cleaning products from entering the storm drain system.~~

INDUSTRIAL: The following standards apply only to lands within the Industrial land use category.

1. **Limitation on Use - Tank Farm.** Uses are limited to power transmission; coastal accessways and water wells and impoundment. Future use of the site will be considered during the remediation review process and a subsequent amendment to the Avila Beach Specific Plan. The

amendment will include a request to amend the Specific Plan to change the land use designation from Industrial (IND) to a new category which would enable development similar in physical scale and functional characteristics to that described in the Specific Plan.

2. ~~**Limitation on Use - Pier.** Facilities at the existing pier are limited to those needed to make the transfer of petroleum products and are not to include storage facilities.~~
3. **Permit Requirement.** Proposed industrial facilities or modifications/ expansion of existing facilities, will require Development Plan review and be subject to the following:
 - a. Phasing plan for the staging of development indicating the anticipated timetable and Site Plans for project initiation, expansion possibilities, completion, consolidation possibilities and decommissioning.
 - b. Oil spill contingency plan (using the most effective feasible technique) indicating the location and type of cleanup equipment, designation of responsibilities for monitoring, cleanup, waste disposal and reporting of incidents and provisions for periodic drills by the operator, as requested by the county, to test the effectiveness of the cleanup and containment equipment and personnel.
 - c. An approved Fire Safety Plan will be required ~~A fire protection system approved~~ by the governing fire authority (CDF/San Luis Obispo County Fire Department) ~~for all development.~~
 - d. All facilities not requiring an ocean site to function, shall setback from the ocean including: wastewater and ballast water processing facilities, major petroleum storage facilities, offices and warehouses (excluding facilities housing oil spill containment and recovery equipment).
 - e. Effective screening of proposed and existing industrial facilities on the site from public view. Effective screening would include removal of unused or unsightly equipment from public view, the siting of proposed facilities in an inconspicuous manner by careful site design and the provision of contoured banks and grading, extensive landscaping and decorative walls and fences.
 - f. Any part of the facilities that cannot effectively be screened by the above methods shall be painted with nonreflective paint and with colors which blend with the surrounding natural landscape.
4. **Air Pollution Standards.** Any expansion or modification of existing petroleum processing or transportation facilities or the construction of new facilities shall meet San Luis Obispo County Air Pollution District (APCD) standards.
5. ~~**Coordination of Review.** Any proposed extension of pier facilities to accommodate ship sizes above those presently using the bay (approximately 30,000 dwt) is to be reviewed by the county and harbor district for possible onshore and harbor impacts.~~
6. ~~**Marine Terminal.** Should expansion or construction of onshore pipelines prove infeasible, new or expanded marine terminals shall be designed and operated to a) provide maximum feasible and legally permissible multi-company use; b) minimize the oil spill risk; c) minimize the~~

risk of collision from movement of vessels, d) have ready access to the most effective feasible containment and recovery equipment for spills, and e) have onshore deballasting facilities to receive fouled ballast water from tankers where operationally or legally required.

PUBLIC FACILITIES: The following standards apply to the Port San Luis Harbor District Plan for proposed harbor improvements, hillside area development and potential plans to service offshore oil development.

1. **Permit Requirement - Port Facilities.** New development, including alterations to port facilities (other than those approved by coastal commission permits or on-going maintenance) shall require a Minor Use Permit, unless Development Plan approval is otherwise required by the Coastal Zone Land Use Ordinance (Title 23). [Amended 1995, Ord. 2702]
2. **Port San Luis Harbor Port Master Plan.** Development Plan approval of facilities under jurisdiction of the Port San Luis Harbor District may be granted where consistent with Chapter 3 of the Harbor Master Plan, and the Local Coastal Program. The policies of Chapter 3 have been extracted from the master plan and incorporated in the following criteria:

(The number in parentheses at the end of the paragraph correlated to the policy number in the Harbor Master Plan.)

GENERAL GOALS AND POLICIES FOR PRIORITIES, COMMERCIAL FISHING AND PUBLIC SERVICES (LCP)

- a. **Priorities for development of facilities and allocation of service capacity:** Priorities for development of the harbor will reflect the goals and priorities as follows:

Priority I: Coastal-Dependent Uses

- Commercial fishing and related mariculture/aquaculture, sport fishing.
- Recreational boating and other oceanfront recreational uses.
- Energy-related facilities.

Priority II: Coastal-Related Uses

- Other visitor-serving retail commercial uses and other coastal-related uses.

Priority III: Other Uses

- Other uses which are neither coastal dependent or related.

Priorities and policies of the California Coastal Act shall be considered in all harbor development. Prior to approval of any use which is not coastal-dependent the harbor district shall make a finding that adequate resources and services have been reserved for all coastal dependent uses proposed in the master plan. (PSL Policy G-3)

PORT SAN LUIS SERVICE CAPACITY

- b. **Port San Luis--Service Capacity.** Proposed development of projects and related improvements shall be within the circulation and utility capacity available to the Harbor area, or to be guaranteed through a planned program of improvements, as described in

the following Standard c. Improved Capacity Program. These capacity limits are recognized for each service as follows:

- ~~(1) **Water:** Usage shall not exceed the 100 afy available to the Harbor District from its Lopez entitlement; the District shall not sell or otherwise dispose of this entitlement to any users except lessees, concessionaires, or other harbor uses consistent with this Master Plan. Adequate water pressures for fire suppression shall be maintained in all District water mains at all times.~~
- ~~(2) **Sewer:** Wastewater generation shall not exceed available capacity owned by the Harbor District in the Avila Beach County Water District wastewater treatment plant and/or such other facility as may be constructed pursuant to Standard c. Improved Capacity Program below.~~
- ~~(3) **Traffic:** Avila Beach Road shall not be subjected to traffic levels exceeding Level of Service "C" overall. Any new program under Standard c. Improved Capacity Program below for expanding capacity or reducing traffic shall be the most feasible, least environmentally damaging alternative for the required change and shall be mitigated to the maximum extent feasible. Further, no substantial damage shall be allowed to the environmentally sensitive habitat of San Luis Obispo Creek, without equivalent offset mitigation or enhancement measures. [Amended 1995, Ord. 2702]~~
- ~~(4) **Parking:** All new uses shall be required to provide additional parking consistent with the County Coastal Zone Land Use Ordinance requirements or to provide an in-lieu contribution to a District-wide parking program pursuant to Standard c. Improved Capacity Program below; any new or expanded use may be approved only upon a finding that sufficient parking exists consistent with the County Coastal Zone Land Use Ordinance requirement, or will be made available either by the applicant for the use or by the District. (PSL Policy G04)~~

~~PORT SAN LUIS SERVICE CAPACITY IMPROVEMENTS~~

- ~~c. **Improved Capacity Program:** The District will work with other agencies and entities to expand capacity of water, sewer, road, and parking facilities, as follows:~~
 - ~~(1) **Water:** The District will analyze its current water system with respect to fire service capability and install necessary improvements in the first phase of development under this Master Plan.~~
 - ~~(2) **Sewer:** The District will investigate the relative advantages of purchasing capacity in the proposed enlargements of the San Luis Bay Estates wastewater plant, versus improving the Avila Beach plant or constructing a separate facility. The most cost-effective alternative for expanding capacity will be determined in Phase I, prior to allowing uses which would generate wastewater beyond that consistent with Standard b. Port San Luis Service Capacity, above.~~
 - ~~(3) **Road Capacity:** The Harbor District will support the transportation systems management programs and related development fee ordinances adopted by the county for reduction of traffic impacts in the Avila Valley area. [Amended 1995;~~

Ord. 2702]

- ~~(4) **Parking:** The District shall provide improved design, structure, and organization of the existing parking lots and shall expand available parking in the Harford Pier area and on Harbor Terrace. Additional parking will be made available for day-use in the Avila Beach Road parkway. The District will also work with the Avila Beach Civic Association and San Luis Obispo County to develop a parking management program for County-owned on-street parking in the community of Avila Beach. The overall goal of the District's parking program is to assure an adequate supply of parking for visitors, residents, and harbor users; smooth traffic flow within the harbor and the community; and additional revenues for purposes of beach maintenance and operations. (PSL Policy G-5)~~

~~INDUSTRIAL AND ENERGY-RELATED DEVELOPMENT~~

- ~~d. **Development of Offshore Oil Support Facilities:** Any portion of a new or expanded crewbase for offshore oil development, which is in the county's LCP permit jurisdiction, shall require county development plan approval. For any such crewbase an environmental impact report shall be prepared under the joint direction and review of the Harbor District and county.~~
- ~~e. **Permit Requirement Crew Bases:** Any proposed crew base for offshore oil and gas development shall require Development Plan review. Review and approval shall include the following:~~
- ~~(1) A detailed examination of alternative sites addressing immediate and cumulative impacts on public access to the sea; recreational uses including boating, fishing industry viability, and air and water quality; site requirements; displacement of existing uses; proximity of offshore oil development; necessary harbor and wharfage requirements; and feasible mitigation measures. Potential sites to be examined shall include: existing oil industry piers and facilities, the proposed multi-use harbor, and potential sites south of Point Conception.~~
- ~~(2) Phasing plan for the staging of development indicating the anticipated timetable; and site plans for project initiation, expansion possibilities, completion, consolidation possibility and decommissioning.~~
- ~~(3) Oil spill contingency plan indicating the location and type of cleanup equipment; waste disposal; and reporting of incidents; and provisions for periodic drills by the operator to test the effectiveness of cleanup and containment equipment and personnel.~~
- ~~(4) An identification of: (a) necessary facilities for the crew base to function; (b) coastal-dependent components of a crew base; and (c) potential locations to site all non-coastal-dependent facilities and operations inland (e.g., warehouse, storage areas, and parking areas).~~
- ~~(5) The crew base shall be limited to a minor crew base, used only for transport of personnel and incidental supplies. Incidental supplies shall not include cargo~~

operations and shall be limited to small packages of groceries, medical supplies, electrical and mechanical parts, and other similar items that can be carried by hand.

- ~~(6) Harbor improvements shall be sited in such a manner to avoid to the maximum extent feasible conflicts with other harbor uses through consideration of segregated wharfage, dock and fueling areas, careful site design in the location of wharfage and vessel approach lanes, and segregated vehicular and traffic and parking facilities as mitigation measures.~~
- ~~(7) In approving any development for a new or expanded crew base, the county shall determine in writing, based upon timely and adequate facts and analysis, as follows:~~
 - ~~(a) There is a need for a coastal-dependent crew base to service offshore oil and gas development in the Santa Maria Basin.~~
 - ~~(b) The proposed location is the least environmentally damaging feasible alternative, taking into account land use considerations at all sites considered and at adjacent properties.~~
 - ~~(c) Failure to approve the crew base would adversely affect the public welfare.~~
 - ~~(d) The project location, design, and county requirements mitigate the adverse environmental impacts to the maximum extent feasible.~~
 - ~~(e) The development includes no components which do not require a location on or adjacent to the sea in order to function at all.~~
 - ~~(f) The crew base shall be available to all users on a fair and equitable basis in order to alleviate the need for additional bases.~~
- ~~f. **Oil Support Facilities:** Oil Support Facilities shall be allowed, subject to compliance with all other applicable requirements of this local coastal plan, as follows: certain major emergency uses in accordance with Policy G, and conditional uses in accordance with Policy H. Any new or expanded facilities* or uses not allowed by this local coastal plan shall require an amendment to the Plan and San Luis Obispo County Development Plan approval before they can be accommodated.~~
- ~~* "New or expanded facilities" is defined to mean any development which requires a permit or which requires only an administrative permit under the Coastal Act. (PSL Policy G-6)~~
- ~~g. **Major Emergency Use by Oil Company Support Vessels:** Oil company support vessels, including oil spill clean-up vessels, crew, and supply boats, will be allowed to use facilities designated by the district in one of the following actual or imminent circumstances: medical emergency, fire, foundering vessels, or oil spills. In any such emergency, the Harbor Master shall report the occurrence at the next meeting of the Harbor Commission. To prevent emergencies, vessels primarily designed and equipped~~

~~for oil spill clean-up may be permitted to moor in the harbor on a yearly basis. Any such emergency use shall be subject to emergency permit requirements pursuant to the LCP or, within the Coastal Commission's permit jurisdiction, to emergency permit or waiver provisions of the Coastal Act. (PSL Policy G-7)~~

- ~~h. Conditional Oil-Related Uses: Oil-related uses serving research and exploratory drilling operations (as contrasted with operational construction, drilling, and recovery) and requiring no more than "minor"* new construction, may be permitted consistent with the LCP (when considering the individual and cumulative impacts of the request and reasonably expected similar requests) if:~~
 - ~~(1) Alternative locations are infeasible or more environmentally damaging; and~~
 - ~~(2) To do otherwise would adversely affect the public welfare; and~~
 - ~~(3) Service capacities for existing coastal-dependent uses in the district's jurisdiction; and those existing uses projected growth patterns shall not be significantly impacted; and~~
 - ~~(4) Adverse environmental effects are mitigated to the maximum extent feasible; and~~
 - ~~(5) Ordinances are enacted requiring permit conditions, necessary findings for issuance, mitigation measures, sunset provisions, public hearings, and penalties for violation of permits or the ordinances. (See Standards d. Development of Offshore Oil Support Facilities, and e. Permit Requirement Crew Bases for other facility and permit requirements.)~~
- ~~This Local Coastal Plan provides a series of policies on permitting and siting oil support facilities. These include: crewbase siting, emergency use by support vessels, conditional oil-related use serving research and exploratory drilling operations involving only minor new construction. (PSL Policy G-6, G-7, G-8.)~~
- ~~* "Minor": New or expanded construction valued at \$5,000 or less.~~

~~HARFORD PIER AND LANDFILL USES~~

- ~~i. Historic Qualities of Port San Luis: The historic qualities of the Port San Luis (Harford) pier shall be preserved and enhanced, and its heavy timber wharf character shall be used as the basis for design of any additional structures and improvements. (PSL Policy HP-1)~~
- ~~j. Harford Pier Permitted Uses: Permitted uses on Harford Pier shall include: restaurants, marine-related leisure activities, harbor operations, uses defined in Standards g. Major Emergency Use by Oil Company Support Vessels, and Conditional Oil-Related Uses, food sales, fish processing facilities (Pod No. 3 only), sportfishing and charter operations, retail sales (marine environment related), transient vessel support facilities (i.e., showers, laundry) marine related wholesale sales, and ancillary uses to the above list consistent with Figure 8-5. (PSL HP-2)~~

- ~~k. **Existing Landfill Permitted Uses:** Permitted land uses for the existing landfill shall include facilities for harbor operations and maintenance, boat repair and maintenance, visitor-serving and visitor-serving commercial uses, parking, fishing and support areas, and recreation boating support facilities consistent with Figure 8-5, Harford Pier Plan. (PSL Policy HP-3)~~
- ~~l. **Planning Criteria:** Development plans for the Harford Pier and related land area shall achieve the following goals:~~
 - ~~(1) Improve service and facilities to commercial fishing, sportfishing, and recreational boating users.~~
 - ~~(2) Maximize use and efficiency of existing landfill area by careful site design, better utilization of area, segregation of uses, and improved circulation.~~
 - ~~(3) Enlarge and improve security for the boat haul out and repair area.~~
 - ~~(4) Enlarge available area for harbor operations, maintenance and storage while placing these uses in more appropriate locations.~~
 - ~~(5) Improve visitor access to pier and waterfront uses.~~
 - ~~(6) Supplement existing visitor-serving commercial retail activity within reasonable proximity to the waterfront, to provide economic support for public uses, provided adequate parking and service capacity is available for such uses.~~
 - ~~(7) Provide adequate parking and restrict public parking on the pier (PSL Policy HP-4)~~
- ~~m. **Renovation/Addition of Pilings:** Improvements on the pier will include major renovation and repair of existing piling and deck structure and addition of pilings in selected areas to provide support for new buildings and improvements consistent with Figure 8-5, Harford Pier plan. (PSL Policy HP-6)~~

~~HARBOR TERRACE GOALS AND POLICIES~~

- ~~n. **Permitted Uses:** Permitted uses shall include long-term parking for general visitor-serving use, Harbor District storage and maintenance yard, and secured boat and equipment storage for commercial fishermen and recreational boats. The balance of the terraced area not required for these priority uses shall be used for a campground consistent with Figure 8-6, Harbor Terrace Plan. (PSL Policy HT-1)~~
- ~~o. **Planning Criteria:** Development plans for Harbor Terrace shall be evaluated according to the following criteria:~~
 - ~~(1) Landscape plans and appropriate irrigation plans shall be submitted identifying proposed revegetation necessary to stabilize slopes, and planting necessary to minimize visual impacts of terracing and proposed use of the site for storage. The area of cut shall be immediately reseeded.~~

- (2) Detailed grading plans shall be submitted which identify existing and proposed drainage channels and proposed final site configuration. Grading shall be permitted in accordance with the County Coastal Zone Land Use Ordinance and shall be designed to minimize the potential discharge of sediment and pollutants into the Bay. Construction shall be completed during the non-rainy season (April through October) to avoid potential runoff and sedimentation. The contours of the finished surface are to be blended with adjacent natural terrain to achieve a natural appearance, and revegetated immediately after completion of finish grading, so as to assure establishment of groundcover prior to October 1. Berms shall be provided for each terrace to enhance screening of campsites as well as parking and storage areas.
- (3) An archaeological field survey shall be completed prior to beginning of construction. Previous site alteration may have substantially eliminated any resources; however, the potential should be evaluated and protection of any resources identified and incorporated in the proposed site design. In accordance with Section 23.05.140 of the Coastal Zone Land Use Ordinance, all construction activities shall cease should resources be identified during actual construction. (PSL Policy IFF-2)
- p. **Potential Use as Borrow Site:** Should fill material be required from the lower portion of this site for the Minor Landfill noted above in the Harford Pier area, the resulting flat excavated area shall be utilized for visitor-serving parking and/or trailered boat storage. Any change from these uses shall require an amendment to the LCP. (PSL Policy IFF-3)

BEACH AND BLUFF AREA

- q. **Beach and Bluff Area Goals and Policies:** The following policies shall govern development of the Beach and Bluff Area:
- (1) Improved public access shall be provided to Olde Port Beach through improved stairways. Accessway also be provided via a pedestrian bridge to the Harbor Terrace campground, located near the PG&E barge land; this area may include a bus shelter for tram service to the Harford Pier area and other visitor-serving commercial or recreational uses over the existing barge landing structure. (PSL Policy B-1)
- (2) Restrooms shall be provided, and a small concessions area may also be provided for the beach area in locations that enhance the recreational use of the beach and bluff area, and which do not remove significant amounts of sandy beach from public use. (PSL Policy B-2)
- (3) Parking in this area will be improved and regulated to prevent overnight parking; the entire length of the bluff adjacent to Avila Beach Road from the Port to San Luis Creek bridge shall be developed as a landscaped parkway emphasizing its scenic characteristics. (PSL Policy B-3)
- (4) Public access shall be maintained and provided along the seaward side of any new rock abutments which may be needed to provide an adequate road, sidewalk and

bikeway section for the parkway. (PSL Policy B-5)

- ~~_____ (5) All improvements shall be designed with severe storms in mind. (PSL Policy B-5)~~
- ~~_____ (6) Vehicular access for boat launching and beach maintenance shall be maintained. (PSL Policy B-6)~~

~~_____ LIGHTHOUSE POINT~~

~~_____ r. Lighthouse Point Goals and Policies: The proposed policies for this area include the following:~~

- ~~_____ (1) Obtain a long-term administration or ownership of the lighthouse site from the Coast Guard. (PSL Policy L-1)~~
- ~~_____ (2) Preserve and restore the historic character of the lighthouse facility. (PSL Policy L-2)~~
- ~~_____ (3) Replace the historic Victorian duplex units if possible. (PSL Policy L-3)~~
- ~~_____ (4) Open the Point San Luis area to managed public access and use. Any public access beyond the 30-acre Point San Luis recreation area to portions of the Pecho coast shall be coordinated with PG&E and the county to assure compatibility with the agricultural operations, marine and coastal resources present in this area, and with PG&E activities associated with the Diablo Canyon Nuclear Power Plant. (PSL Policy L-4)~~
- ~~_____ (5) Maintain the rocky shoreline area in its natural state. (PSL Policy L-5)~~

~~_____ OPEN WATER~~

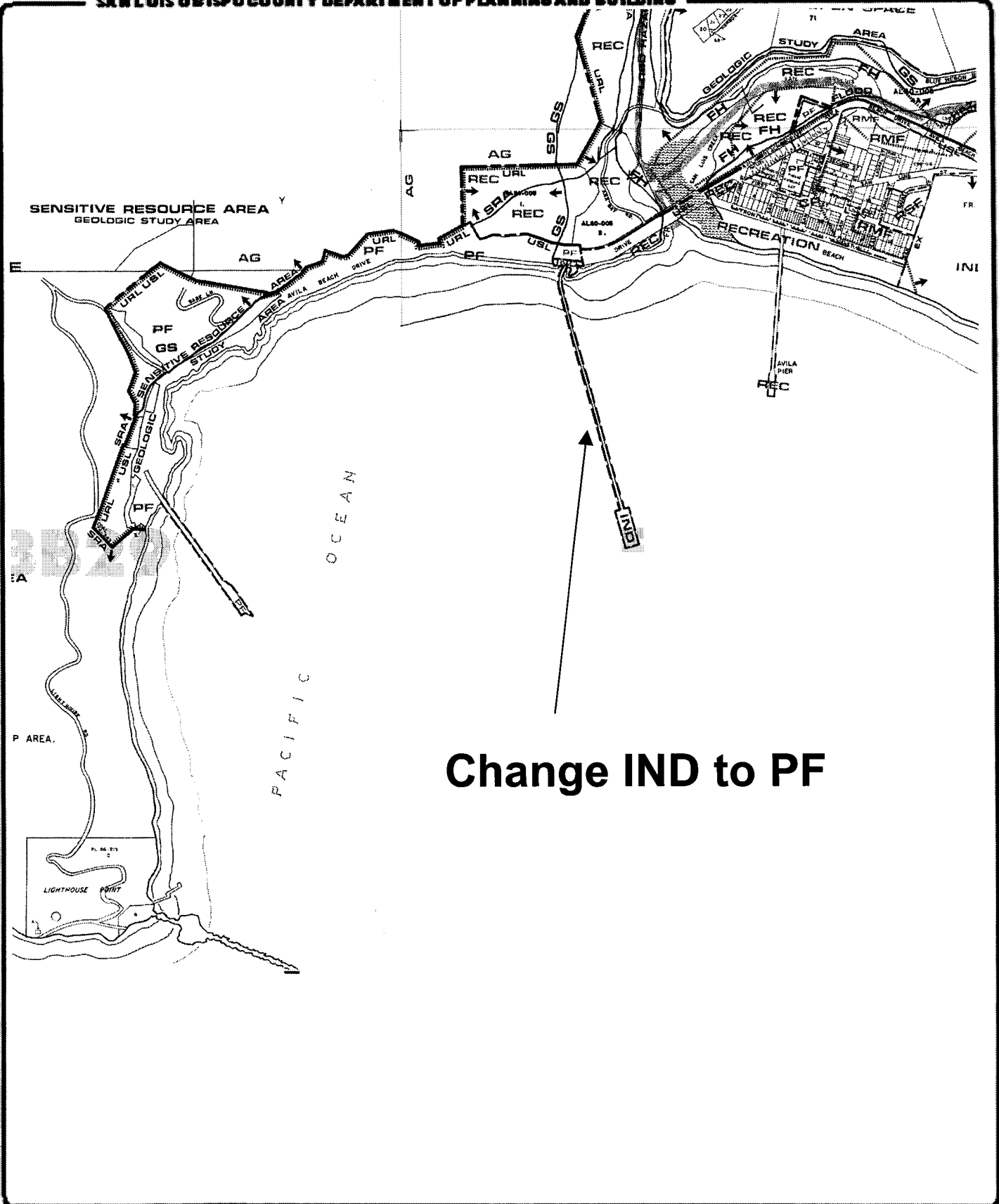
~~_____ s. Open Water Area: The following policies concern allocation of the harbor's open water area:~~

- ~~_____ (1) Maintain the open water area for navigation purposes, commercial and recreational fishing and boating, watersports, and natural biological resources including aquaculture. (PSL Policy O-1)~~
- ~~_____ (2) Continue mooring small boats (under 85 feet) pending adoption by the Harbor District of a marine area use policy. Reserve the spaces closest to the pier for commercial fishermen. (PSL Policy O-2)~~
- ~~_____ (3) It shall not be inconsistent with the Master Plan to allow mooring and anchoring of other commercial and governmental vessels, subject to case-by-case District regulation, pending adoption of a marine area use plan. (PSL Policy O-3)~~

~~_____ AVILA BEACH FACILITIES~~

- ~~t. **Avila Beach Facilities Goals and Policies:** The proposed objectives for the Harbor District's Avila facilities are as follows:~~
- ~~(1) **General:** Emphasize the recreational orientation of this area by maintaining an attractive and usable beach and pier, convenient parking, and complementary visitor-serving retail establishments in appropriate locations. (PSL Policy AB-1)~~
 - ~~(2) **Avila Pier:** Enhance the utility of Avila Pier to a variety of recreational users, including pier fishing, boating, sightseeing, and similar activities. Permitted uses include the above activities plus a small area of additional visitor-serving retail facilities, up to 12,000 sq. ft. of floor area, for a restaurant, small shops, or similar uses. This area may be developed in one or more leaseholds, located in a single location or at intervals along the pier, provided, however, that not more than 2,000 square feet may be located on the Pier Terminus. The location for this lease area and related pier improvements are to be consistent with Figure 8-7, Avila Beach Facilities Plan. (PSL Policy AB-2)~~
 - ~~(3) **Beach Area:** Restore and maintain the picnic and play ground facilities for beach users, but avoid cluttering the beach with unnecessary or excessive structures. Permitted uses include public beach recreation facilities, the existing yacht club, restrooms, and administrative offices of the Harbor District, and non-motorized recreation equipment rental provided that such concessions are not in an enclosed structure. (PSL Policy AB-3)~~
 - ~~(4) **Parking Lot:** Permitted uses include public parking and related landscaping, a "mini-park" adjacent to the Post Office building, and Harbor District storage provided that the remainder of the parking lot will still be able to accommodate at least 300 cars for general public parking. (PSL Policy AB-4)~~

3-84



Change IND to PF

PROJECT

General Plan Amendment
Port San Luis Harbor District
LRP2004-00003

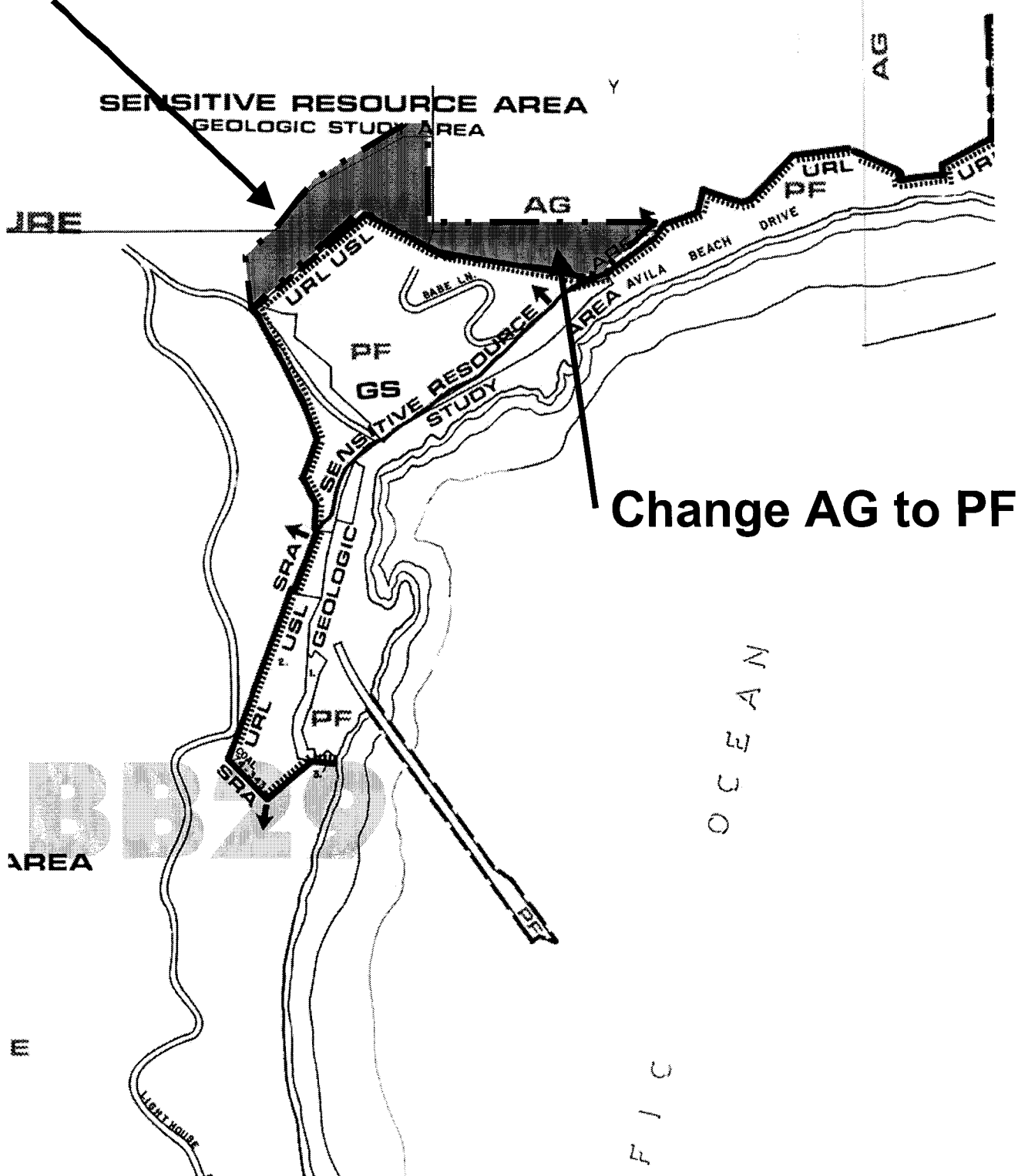


EXHIBIT

Exhibit D: Land Use Category
Change IND to PF

3-85

New URL/USL Location



Change AG to PF

PROJECT

General Plan Amendment
Port San Luis Harbor District
LRP2004-00003



EXHIBIT

Exhibit E: Land Use Category
Change AG to PF, move URL/USL

EXHIBIT F

**GUIDELINES FOR LAND USE CATEGORY AMENDMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT**

1. Existing planning policies. Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the General Plan (Land Use, Open Space, Conservation, Circulation, Housing, Safety, Noise);
 - b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element);
 - c. The purpose and character statements for land use categories in Section B, description of land use categories;
 - d. Uses listed in Table O, list of allowable uses; and
 - e. The text, standards and maps of the area plans (Part II of the Land Use Element).
2. Area character. Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
3. Environmental impacts. The proposed amendment should not enable development that would cause potential significant adverse environmental impacts as determined through an environmental determination prepared by the Office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.
4. Accessibility/circulation. Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.
5. Soils classification. Whether the proposed amendment gives consideration to protecting prime agricultural soils (SCS Class I and II, irrigated) for potential agricultural use. Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.
6. Slope and other terrain characteristics. Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment? Whether development resulting from the proposed amendment would retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.

7. Vegetation. Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant communities that provide wildlife habitat or include rare and endangered plant or animal species.
8. Hazards. Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. Existing parcel size and ownership patterns. Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
10. Availability of public services and facilities. Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on-site sewage disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are planned to be available within the horizon year of the applicable area plan, or a capital improvement program is in effect to provide for any such services that are currently deficient, or such services and facilities will be provided as a result of approved development following the amendment.
11. Land inventory. Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.

EXHIBIT G

**PURPOSE AND CHARACTER STATEMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT
PUBLIC FACILITIES AND RECREATION LAND USE CATEGORIES**

PUBLIC FACILITIES

Purpose

- a. To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b. To provide areas for development of public facilities to meet public needs.
- c. To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d. To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

Character

- a. Areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities.
- b. Areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users.
- c. Areas without known natural or man-made hazards.

RECREATION

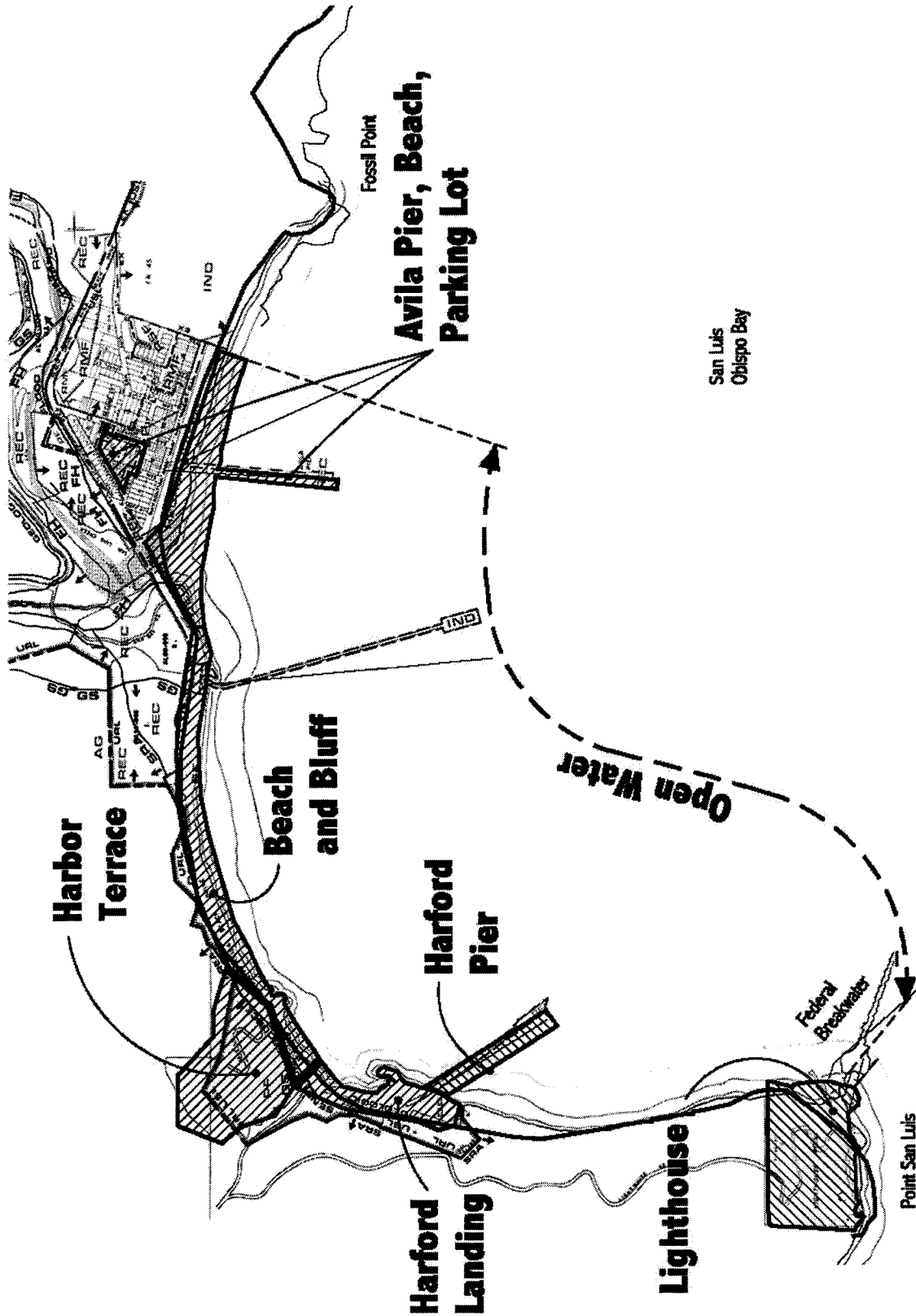
Purpose:

- a. To identify areas having recreational potential where private or public development of recreational uses can be encouraged when not in conflict with surrounding rural and agricultural uses.
- b. To allow for recreation and resort-oriented development that will be incidental to outdoor recreation on the same site.
- c. To allow recreation and resort-oriented development where significant public recreational resources are available in the immediate vicinity.
- d. To provide for public park and recreation areas when not in conflict with surrounding rural and agricultural land uses.
- e. To provide for visitor-serving priority areas.

Character:

- a. Areas of existing and/or proposed private recreational uses that emphasize and retain a recreational resource on a significant portion of the site.
- b. Areas shown on an adopted State Park System Master Plan or on acquisition lists of the state or county parks and recreation departments.
- c. Areas of existing public recreational uses.
- d. Visitor-serving priority areas are:
 - (1) Areas that presently serve tourists and visitors to the coast and coastal communities, which are protected by preserving the visitor-serving uses within them.
 - (2) Ocean-front land, upland support areas and private lands and coastal areas suitable for Recreational and Visitor-Serving commercial activities (as reflected on the land use maps) shall be preserved for such developments. Priority is given to the use of private lands to enhance public opportunities for coastal recreation over private residential, general industrial or general commercial development but not over agricultural or coastal-dependent uses.
 - (3) These areas are identified on the land use maps with the letter "V". The designation applies to the entire Recreation category.
- e. Areas with a natural or man-made recreational resource that will serve particular public recreational needs and should be protected from the encroachment of residential and commercial activity.
- f. Areas where residential uses can be integrated into a mixed use resort development, secondary to outdoor recreational activities that is to be approved under the Development Plan requirements of the Coastal Zone Land Use Ordinance.
- g. Areas reserved for active and intensive recreational activities, such as motels, hotels, golf courses and campgrounds.
- h. Existing established state, county or city park holdings, as well as those areas of the national forest where active recreation uses exist.

3-90



PROJECT

General Plan Amendment
Port San Luis Harbor District
LRP2004-00003



EXHIBIT

Attachment A: Vicinity Map/
Planning Sub Areas

BOARD OF COMMISSIONERS

BRIAN KREOWSKI
CAROLYN MOFFATT
JACK SCARBROUGH
JIM BLECHA
JOHN KOEPF

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Vice President
Secretary
Commissioner
Commissioner



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www.portsanluis.com

JAY K. ELDER
THOMAS D. GREEN
PHILLIP J. SEXTON, CPA

Harbor Manager
Legal Counsel
Treasurer

RECEIVED

FEB 24 2005

February 23, 2005

SLO CO PLANNING & BLDG.

Mr. John Euphrat
Long Range Planning
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

Re: Port San Luis Master Plan Update: LCP Amendment - Mapping Revision

Dear John:

As we discussed in our meeting on January 31, we have prepared an exhibit that reflects the County's most recent mapping of the Urban Reserve Line (URL) and Urban Services Line (USL) in relationship to the Harbor Terrace property. This exhibit also shows where we believe the correct location should be and would like it reflected in future maps. We would like to pursue the map clean-up or clarification that we discussed to avoid confusion in the future with this property. It is our understanding that to get this map revised we need to include it as part of our LCP amendment process.

In the early 1980's and again in the 90's, the Harbor District and the County met to discuss the location of the URL and Land Use categories in reference to Port properties. It was important to the Harbor District to include the parcels that they hold long term leases on as well as the parcels they own in fee. The Harbor District's water tank sits on one of these leased parcels, as do the access road and materials storage. Along with the LCP Update, the County URL map was approved by the Coastal Commission in 1988. It was the Harbor District's understanding that the approved map included the leased parcels within the URL and USL.

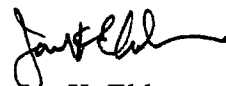
This mapping was prepared before the evolution of computers at the County, so the exact locations of the URL/USL and Land Use category boundaries were somewhat rudimentary. Since then, the County has "computerized" their maps and the URL/USL is now located along the Harbor District's fee-owned parcels, leaving the leased parcels outside of the URL/USL and Public Facilities land use category. This mapping adjustment not only leaves the leased parcels outside of the URL/USL, but also puts them in another Land Use category (Agriculture).

Assessor's Parcel Maps are often used when creating URL maps. The Assessor's maps generally show ownership and, in some cases, leased properties. In the case of the Harbor Terrace map, not all leased properties are shown on the Assessor's map. This could explain why the leased parcels were not included within the URL when mapped. The Harbor District leases these parcels from PG&E and Leucadia Corporation, both of whom are owners of large parcels adjacent to Harbor Terrace lands.

The mapping change requested reflects the traditional use of the property as Public Facilities. This property has been historically used as Public Facilities since before 1980's discussion with the County and before the 1988 update. Hopefully this action will be viewed as an administrative revision. Please accept this letter as a formal request to include this change in our current LCP Amendment application.

Thank you for bringing this mapping discrepancy to our attention and working with us to revise it. If you have any questions, please contact me at 595-5400.

Sincerely,



Jay K. Elder
Harbor Manager

JKE:lp

cc: Harbor Commission
✓Martha Neder, Long Range Planning, County of San Luis Obispo
Debbie Lagomarcino Rudd, RRM Design Group

3-93

Avila Valley Advisory Council

P.O. Box 65
Avila Beach, CA 93424
(805) 595-2797

January 10, 2005

Mr. Jay Elder, Harbor Manager
Port San Luis Harbor District
P.O. Box 249
Avila Beach, CA 93424

Subject: Port San Luis Harbor District Request for
Local Coastal Plan Amendment Administrative Review

Dear Mr. Elder:

Thank you for the opportunity you and the Harbor Commissioners have provided for public input into the Port Master Plan, 2003. The Commission provided a process for public input that insures the needs of a broader community are addressed, along with those of the daily impacted Avila community.

AVAC has been noticed and included in every aspect of this process, including the Notice of Preparation for the Environmental Impact Report in August, 2003; participation in the Draft and Final Port Master Plan; and notice of the application process for the Local Coastal Plan Amendment.

Thank you for your outreach to the community. Understanding Port issues in greater depth is important to understanding your challenges and goals. We recognize the Port as an outstanding asset for Avila and are hopeful to develop a synergy that will enhance the success of the Port, Avila Beach and all of Avila.

Sincerely,
Karla Bittner

Karla Bittner
Chairperson



3-94
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
GENERAL SERVICES

2004 AUG -4 AM 10: 04

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

8/3/04 08/06/04

FROM:

Parks

Port San Luis Harbor Dist.

FROM:

Coastal Team
(Please direct response to the above)

LRP2004-00003

Project Name and Number

TO: (MLN)

Development Review Section (Phone: 781-

788-2009)

(781-4576)

Martha Neder
(Planner)

PROJECT DESCRIPTION:

GPA → Amendment of
Local Coastal Plan to incorporate relevant provisions of
Port Master Plan. To ensure consistency between
the LCP & the Port Master Plan.

Return this letter with your comments attached no later than:

8/17/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

SEE Attached memo.

Date

08/06/04

Name

Jan D. Lee

Phone

4089



**SAN LUIS OBISPO
COUNTY PARKS**

MEMO

TO: Martha Neder

RECEIVED

FROM: Jan Di Leo

AUG 09 2004

DATE: August 6, 2004

SLO CO PLANNING & BLDG.

FROM: Port San Luis Harbor District (LRP2004-00003)

Thank you for sending over a referral on the Port San Luis Harbor District Local Coastal Program Amendment.

The California Coastal Trail will likely be designated along portions of Avila Beach Drive. Currently, the Harbor District affords public access along the beach and on the Harford Pier. In general, the Harbor District Plan and the proposed amendments seem to augment the public's use of the beach. Parks supports the May 2004, Access Goals enumerated on page 8-22.

If you have any questions please give me a call at extension 4089. THANKS!

3-96

RECEIVED
SEP 24 2004
Planning & Bldg



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

September 9, 2004

Martha Neder, Planner
SLO County Building and Planning
County Government Center
San Luis Obispo, CA 93408

Project Number: Port San Luis Harbor Dist. LRP2004-00003 General Plan Amendment

Dear Ms. Neder,

I have reviewed the referral you sent me for the Port San Luis Harbor Dist. LRP2004-00003 General Plan Amendment. I recommend the following changes and additions:

1. Under **3 Permit Requirements item c.** be changed to say: "An approved Fire Safety Plan will be required by the governing fire authority (CDF/San Luis Obispo County Fire Department) for all development. Page 8-10
2. Under **Priorities, Services, and Facilities #2a Water** the following be added: "Water requirements for fire protection will comply with the adopted fire code for the County of San Luis Obispo." Page 8-21
3. Under **Priorities, Services, and Facilities #2c Road Capacity** the following be added: "Fire access lane requirements will comply with the adopted fire code for the County of San Luis Obispo." Page 8-21

If I can provide additional information or assistance on this mater please call me at (805)543-4244.

Sincerely,

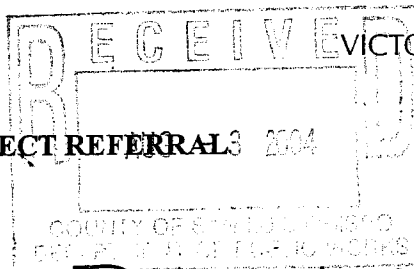
A handwritten signature in black ink, appearing to read "Robert Lewin".

Robert Lewin, Fire Marshal
Battalion Chief

Cc: Jay Elders, Harbor Manager
Mike Harkness, Battalion Chief



3-97 20
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL 2004

DATE:

8/3/04

FROM

PW

FROM

Coastal Team

(Please direct response to the above)

TO: (MLN)

Development Review Section (Phone: 781-

788-2009)

(781-4576)

PROJECT DESCRIPTION:

GPA → Amendment of Martha Neder (Planner)
Local Coastal Plan to incorporate relevant provisions of
Port Master Plan. To ensure consistency between
the LCP & the Port Master Plan.

Return this letter with your comments attached no later than:

8/17/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

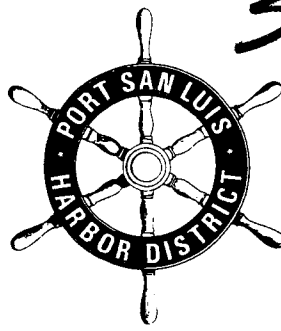
INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval - No Concerns

01 SEP 2004
Date

Goodwin
Name

5252
Phone



IN THE BOARD OF HARBOR COMMISSIONERS OF
PORT SAN LUIS HARBOR DISTRICT
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA

Port San Luis, California

March 8, 2005

RESOLUTION 05-03

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
PORT SAN LUIS HARBOR DISTRICT APPROVING A
NEGATIVE DECLARATION AND
AUTHORIZING AN AMENDMENT TO THE 2005 APPLICATION
FOR A LOCAL COASTAL PROGRAM AMENDMENT**

WHEREAS, in April 2004, the Board of Commissioners of the Port San Luis Harbor District certified a Final Environmental Impact Report ("FEIR") and approved a comprehensive update of the Port Master Plan ("Master Plan");

WHEREAS, subsequent to certification of the FEIR and adoption of the Master Plan, the Harbor District made application to San Luis Obispo County for certain amendments of the San Luis Bay Area Plan/Local Coastal Program ("LCP") to incorporate relevant provisions of the Master Plan into the LCP;

WHEREAS, the Harbor District wishes to amend its LCP amendment application to include an amendment of the Land Use map as shown on Figure 1, attached to this resolution;

WHEREAS, a Negative Declaration (Attachment A) was prepared for the recommended map changes and circulated for 30 days in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.).

WHEREAS, the Board of Commissioners has reviewed and considered the Negative Declaration and any comments received on said Negative Declaration and has exercised its independent judgment in concluding that adverse environmental impacts are mitigated to the maximum extent feasible. Consequently, no additional environmental review is required.

WHEREAS, the Board of Harbor Commissioners of the Port San Luis Harbor District held a duly noticed public hearing on March 8, 2005 to consider the negative declaration and the recommended map changes;

WHEREAS, based on the staff analysis, oral and written testimony, and the Negative Declaration, the Board of Commissioners finds, after due study, deliberation and public hearing and based on its independent judgment, that the following circumstances exist:

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Resolution No. 05-03

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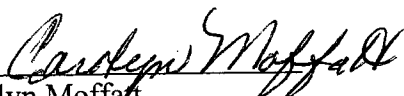
1. The recommended amendment to the Harbor District's LCP amendment application is consistent with the goals, policies and standards of the San Luis Obispo County General Plan and Local Coastal Program, the Harbor Master Plan and relevant provisions of State law;
2. The Board of Commissioners has reviewed and considered the Negative Declaration and comments received on said Negative Declaration. Public Resources Code Section 21083.3, accordingly, requires no further environmental review;

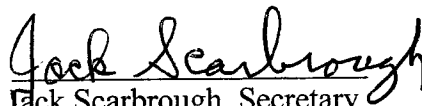
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Port San Luis Harbor District as follows:

1. The Board of Commissioners hereby adopts the negative declaration included in Attachment A.
2. The Board of Commissioners hereby authorizes the Harbor Manager or his designee to incorporate revisions to the Harbor District's 2005 LCP amendment application as shown on Figure 1.

Passed and adopted by the Port San Luis Harbor District, State of California, at a special meeting of the Board of Commissioners on the 8th day of March 2005 by the following vote of said Board:

AYES 3 ABSENT 2 NOES 0 ABSTAIN 0


Carolyn Moffatt
Acting Chair and Harbor Commissioner

Attest: 
Jack Scarbrough, Secretary

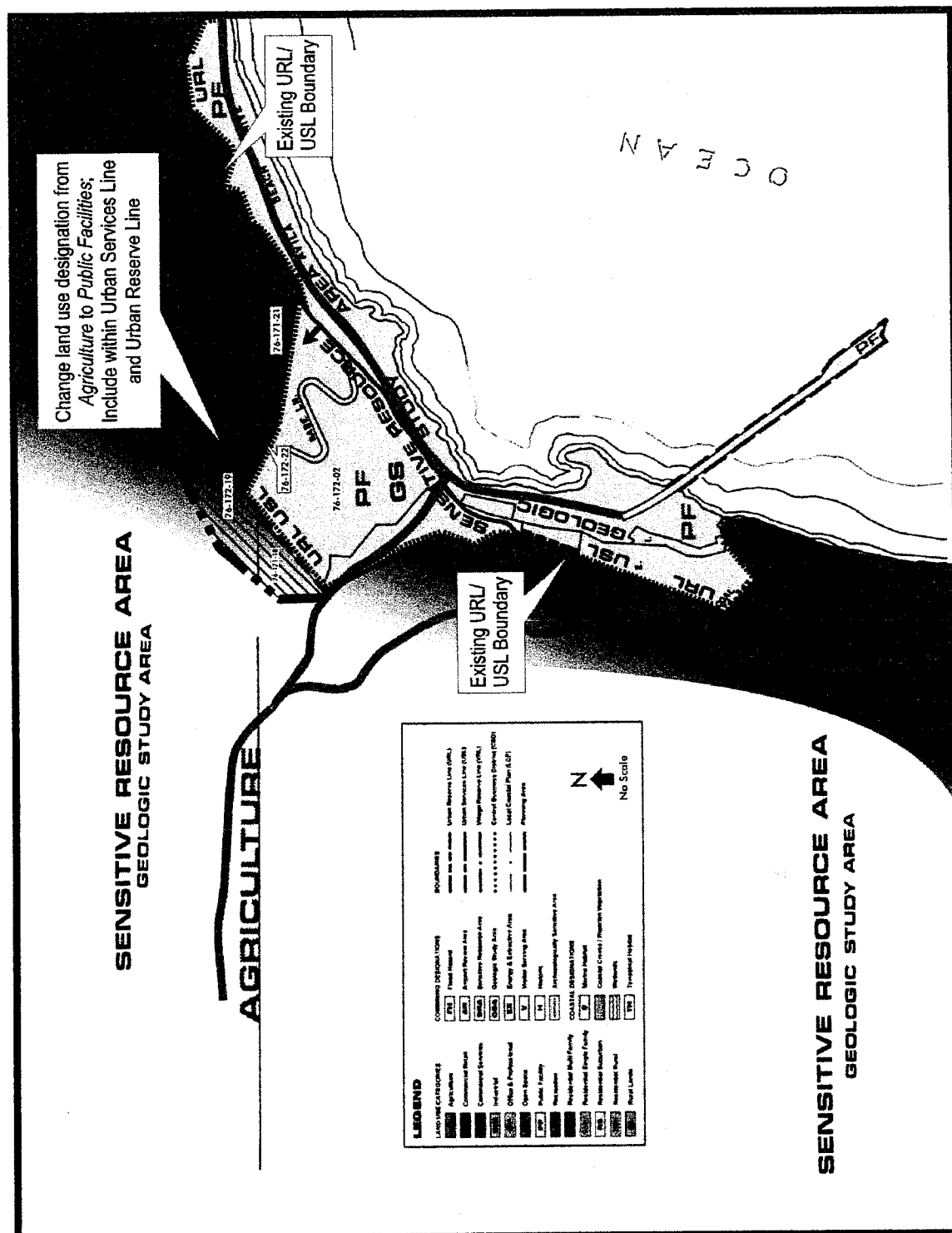
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Resolution No. 05-03

Page 3

Attachment A

**Draft Negative Declaration and Project Description
[Published separately]**



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Resolution No. 05-03
Page 3

Attachment A

Draft Negative Declaration and Project Description
[Published separately]



3-103

Notice of Completion of a Draft Negative Declaration

February 4, 2005

TO: Responsible and Trustee Agencies and Other Interested Parties

FROM: Port San Luis Harbor District

SUBJECT: Notice of Completion of a Draft Negative Declaration

In accordance with Section 15073 of the State CEQA Guidelines, notice is hereby given that the Port San Luis Harbor District (District) intends to adopt a draft negative declaration on or after March 7, 2005. The project evaluated by the draft negative declaration is a request to amend the Local Coastal Plan to change the land use designation on three parcels totalling 12.03 acres from Agriculture to Public Facilities and to include these parcels within the Avila Beach Urban Reserve Line/Urban Services Line.

The Draft Negative Declaration concludes that this action will not result in significant impacts to the environment. Persons wishing to comment on the Draft Negative Declaration may do so by sending written comments to:

Port San Luis Harbor District
Environmental Coordinator
c/o Crawford Multari & Clark Associates
641 Higuera Street, Suite 302
San Luis Obispo, CA 93402
Attn: Dave Moran

The period during which comments will be received is February 5, 2005 to March 7, 2005. Please submit your comments on or before March 7th to ensure timely consideration by the Board of Harbor Commissioners. No tentative hearing dates have been set for consideration of this project.

If you have any questions regarding the project or this notice, please call Dave Moran, the District's environmental coordinator, at (805) 541-2622, X-19.

David Moran
(on behalf of the Port San Luis Harbor District)

Attached: initial study and draft mitigated negative declaration

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INITIAL STUDY AND NEGATIVE DECLARATION

For a

**LOCAL COASTAL PLAN
AMENDMENT TO CHANGE THE LAND USE DESIGNATION ON
12.03 ACRES FROM AGRICULTURE TO PUBLIC FACILITIES
AND INCLUDE THE AREA WITHIN THE
AVILA BEACH URBAN RESERVE LINE/URBAN SERVICES LINE**

Prepared for:

PORT SAN LUIS HARBOR DISTRICT

Prepared by:

**Crawford, Multari and Clark Associates
641 Higuera Street #302
San Luis Obispo, California 93401
Contact: David Moran**

February 4, 2005

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INTRODUCTION

COMPLIANCE WITH CEQA

The Port San Luis Harbor District (Port) has initiated its environmental review process to disclose the potential impacts associated with the project as described in this initial study. Through this documentation process, the Port ensures that all of the possible environmental effects associated with the proposed project are fully disclosed according to the requirements of the California Environmental Quality Act (CEQA).

PURPOSE OF THE INITIAL STUDY

This initial study has been prepared to assess the impacts of amending the Local Coastal Program to change the land use designation for three properties totaling 12.03 acres under long-term lease to the Port San Luis Harbor District from *Agriculture* to *Public Facilities* and to amend the Urban Reserve Line/Urban Services Line to include these parcels. This action constitutes a 'project' in accordance with the California Environmental Quality Act. The project requires discretionary approval of the Port, who will act as lead agency.

An initial study is an informational document used in the local planning and decision-making process. This initial study is not intended to recommend approval or denial of the project.

The Port has prepared this initial study to determine if the project would have a significant effect on the environment. The purposes of the initial study are to:

- provide the lead agency with information to use in deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration;
- enable the lead agency to modify the project to mitigate adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration; and
- document the factual basis for the finding, in a negative declaration, that a project will not have a significant effect on the environment.

As lead agency, the Port is required to circulate a negative declaration for public review before adopting it. This document is being circulated for a 30-day review period. If comments on this document do not identify any significant additional environmental concerns, the Port intends to adopt a negative declaration for the project. If other significant environmental concerns are identified during the public review process, the document may be revised to serve as a notice of preparation (NOP) for an EIR.

Before approval of the project, the Port must consider the proposed negative declaration along with any comments received during the public review process. If the Port finds, on the basis of the initial study and any comments received, that the initial study adequately addresses the environmental issues associated with the project and that no substantial evidence indicates that the project would have a significant effect on the environment, the negative declaration may be approved by the Board of Harbor Commissioners.

PROJECT LOCATION

Port San Luis is located in San Luis Obispo County, about midway between San Francisco and Los Angeles. The Harbor District boundaries reach north to the city of San Luis Obispo and south along the coast into Pismo Beach, Grover Beach and Arroyo Grande (see Figure 1). The majority of facilities operated by the Harbor district are located on San Luis Bay west of the town of Avila Beach in central San Luis Obispo County. The Bay is framed by the Irish Hills which rise abruptly to the north and west and offer protection from the westerly breezes that prevail along the central coast of California.

Facilities owned, operated and maintained by the District include Harford Pier; the Harbor District offices, maintenance buildings and storage areas; boat launching and repair (dry dock) facilities; parking lots; buildings leased to a marine supply shop and restaurants; and the Harbor Terrace site. In addition, the District owns facilities in the town of Avila Beach that include the Avila Pier and sandy beach, and a public parking lot. Lastly, the Harbor District owns the Point San Luis Lighthouse.

The Port also leases three properties totaling 12.03 acres adjacent to the Harbor Terrace site from Pacific gas and Electric Company through a long-term lease agreement which allows the Port to use the property for public facilities consistent with its adopted Master Plan (see Figure 4). Both parcels are designated Agriculture by the San Luis Bay Area Plan portion of the San Luis Obispo County General Plan and Local Coastal Program.

PROJECT OBJECTIVES

The objective of the proposed project is to designate these properties Public Facilities for the purpose of developing low-cost visitor serving uses consistent with the Port Master Plan.

PROJECT DESCRIPTION

In April, 2004, the Port certified a final environmental impact report and adopted a comprehensive update of its *Port Master Plan*. The Master Plan fulfills the requirements of the California Coastal Act and the State Tidelands Grant (Chapters 647 of Statutes of 1955 and as amended by Chapter 302 of Statutes of 1957) which require the preparation of a plan for the use and management of Harbor District facilities and resources. The most recent Port Master Plan was prepared in 1984 and subsequently updated in 1994 to address a variety of issues, including the development of the Harbor Terrace site. Subsequent to adoption of the Master Plan, the Port made application to San Luis Obispo County for an amendment of the San Luis Bay Area Plan/Local Coastal Program (LCP) to incorporate the relevant provisions of the Master Plan to serve as the LCP for the Port.

The Master Plan addresses the use and development of properties owned directly by the Harbor District in addition to three properties located adjacent to the Harbor Terrace planning area (see Figure 5) controlled by the Port through long term lease agreements dating back to the 1970s. The updated Master Plan contemplates development of the Harbor Terrace with an RV park, tent camping and other low-cost visitor-serving facilities and includes the Port's three leasehold parcels. Although these properties have been leased to the Port since the mid 1970s and have been intended for development with public facilities since that time, the land use designation for these parcels remains *Agriculture*. Moreover, portions of these properties have been used by the Port for many years for boat and gear storage; one of the parcels contains the Port's water storage tank. The Port would now like to amend the land use designation from

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Agriculture to Public Facilities to reflect their current and intended use consistent with the Port's Master Plan. In addition the Urban Reserve Line/Urban Services Line will be extended to include these parcels.

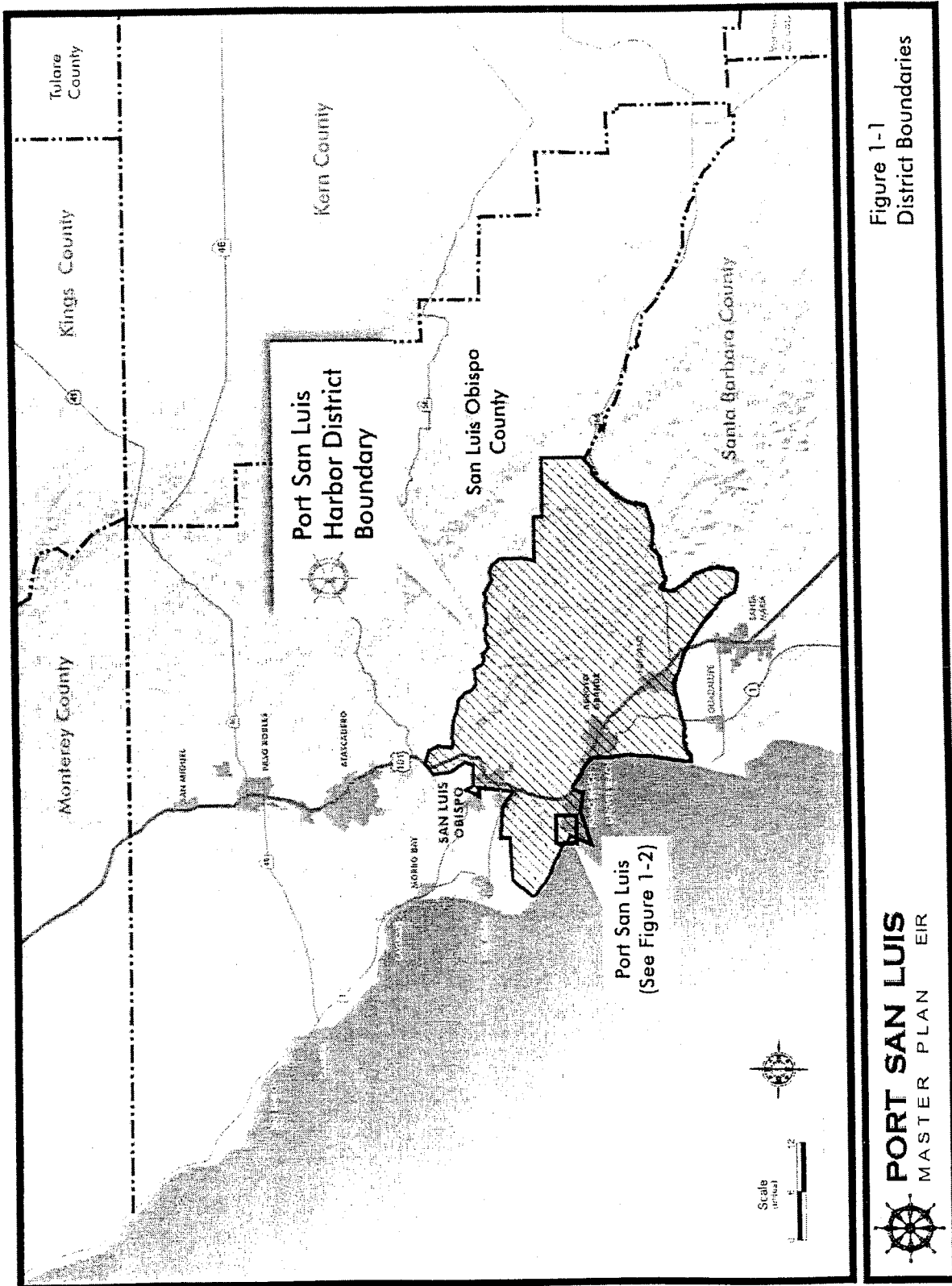
REQUIRED PERMITS AND APPROVALS

Approvals required for this project include:

- Adoption of the negative declaration by the Harbor District Board of Commissioners;
- Authorization of an amendment to the application for an LCP amendment to include changes to the land use designation for the Port's three leasehold interests from *Agriculture to Public Facility*, and to amend the Urban Reserve and Urban Services Line to include these two parcels.
- Approval of the LCP amendment by the San Luis Obispo County Board of Supervisors; and
- Approval of the LCP amendments by the California Coastal Commission.

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Figure 1 - District Boundaries/Site Location Map



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Figure 2 - Harbor District Planning Sub-Areas

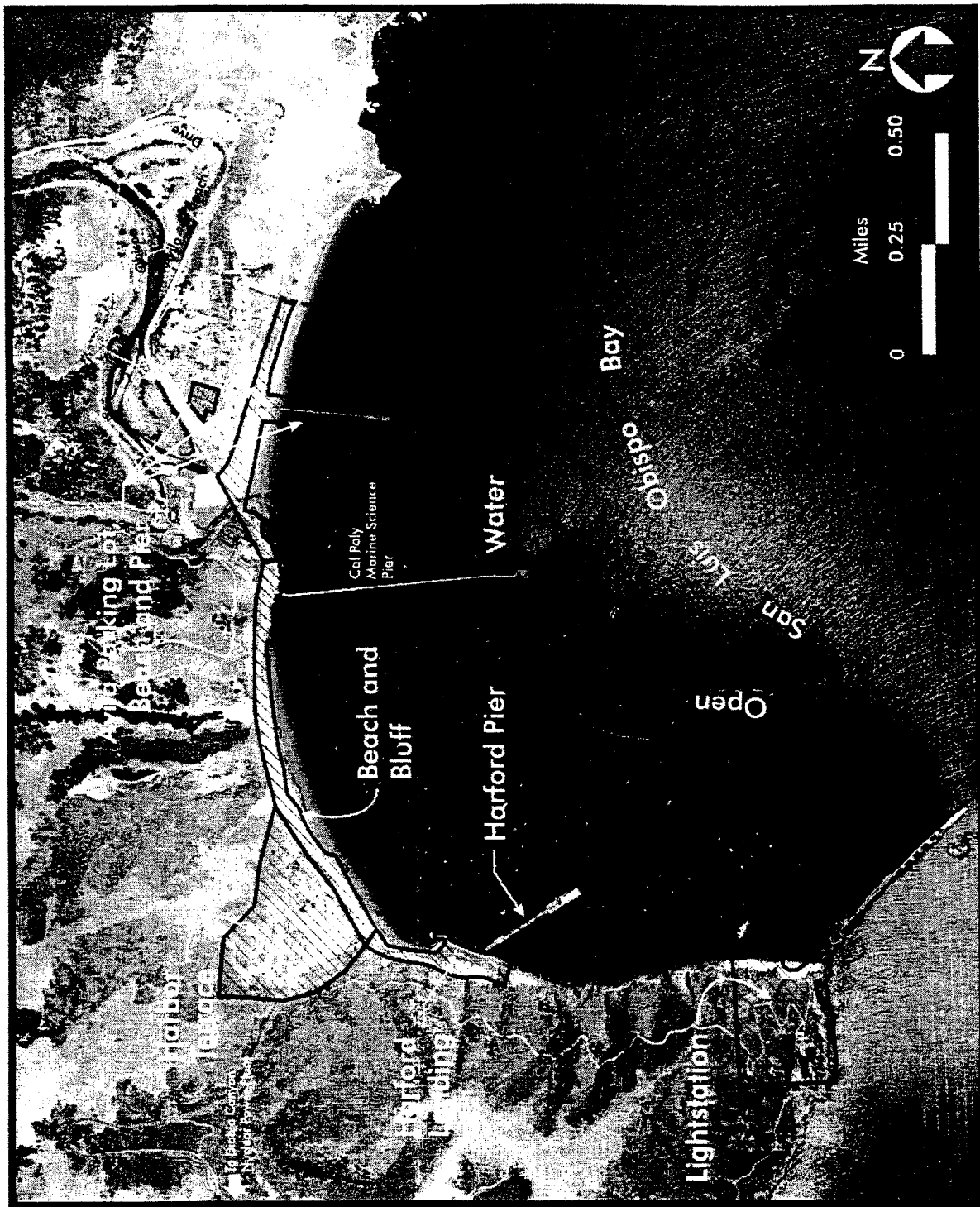


Figure 1-2
Planning Sub-Areas

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Figure 3 – Harbor Terrace Existing Conditions

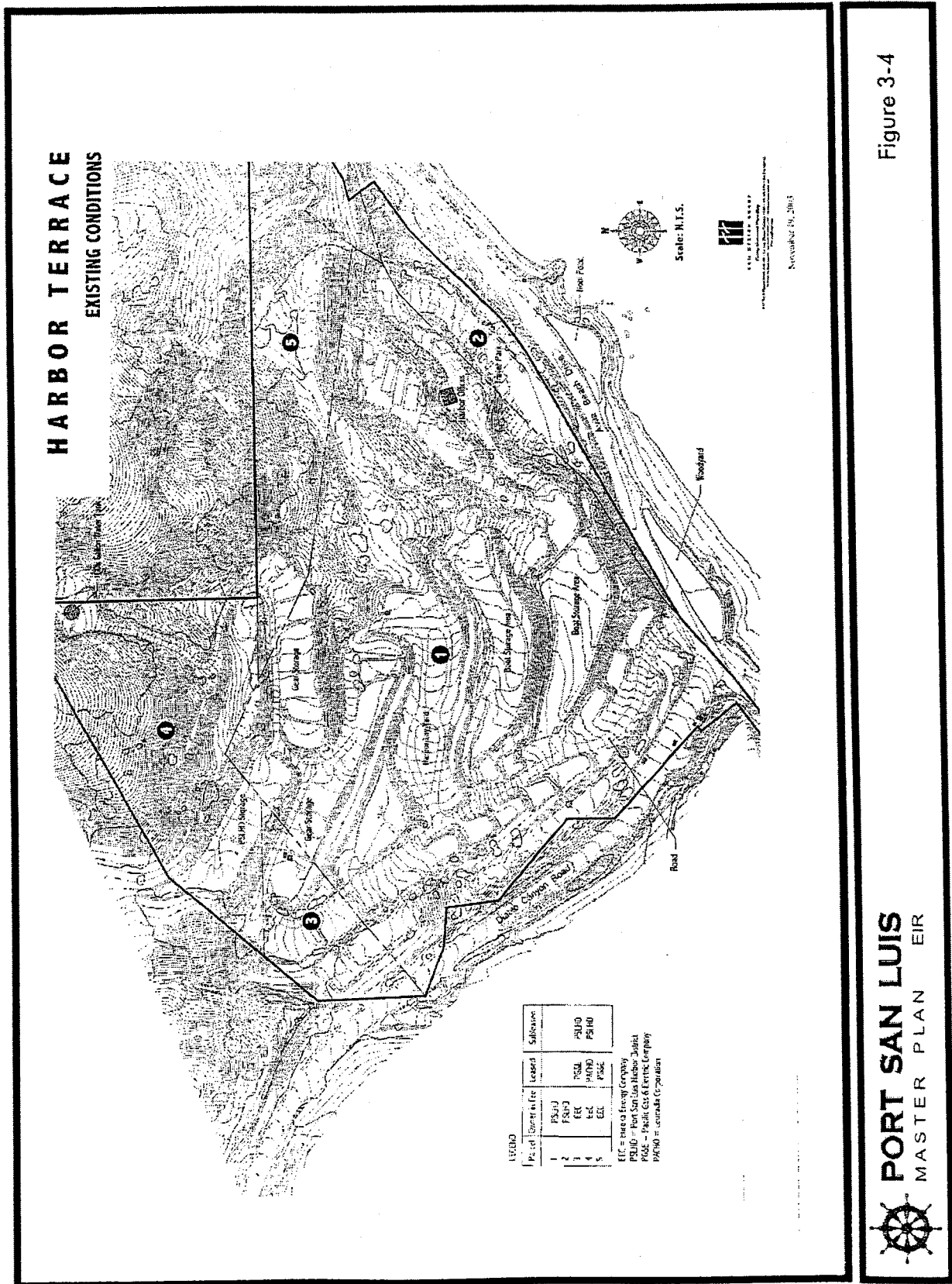


Figure 3-4

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Figure 4 – Existing and Recommended Land Use Designations and Urban Services/Urban Reserve Lines

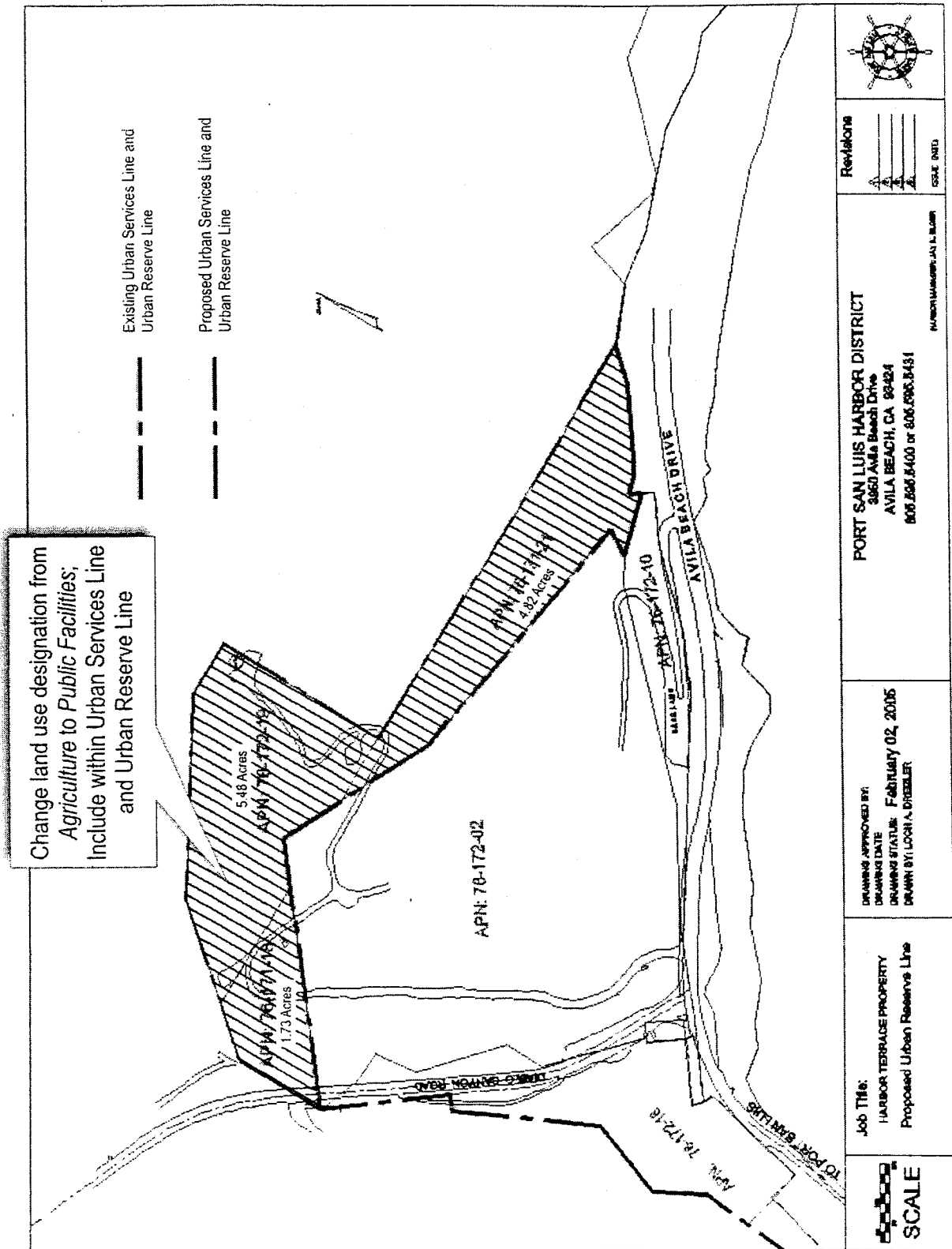
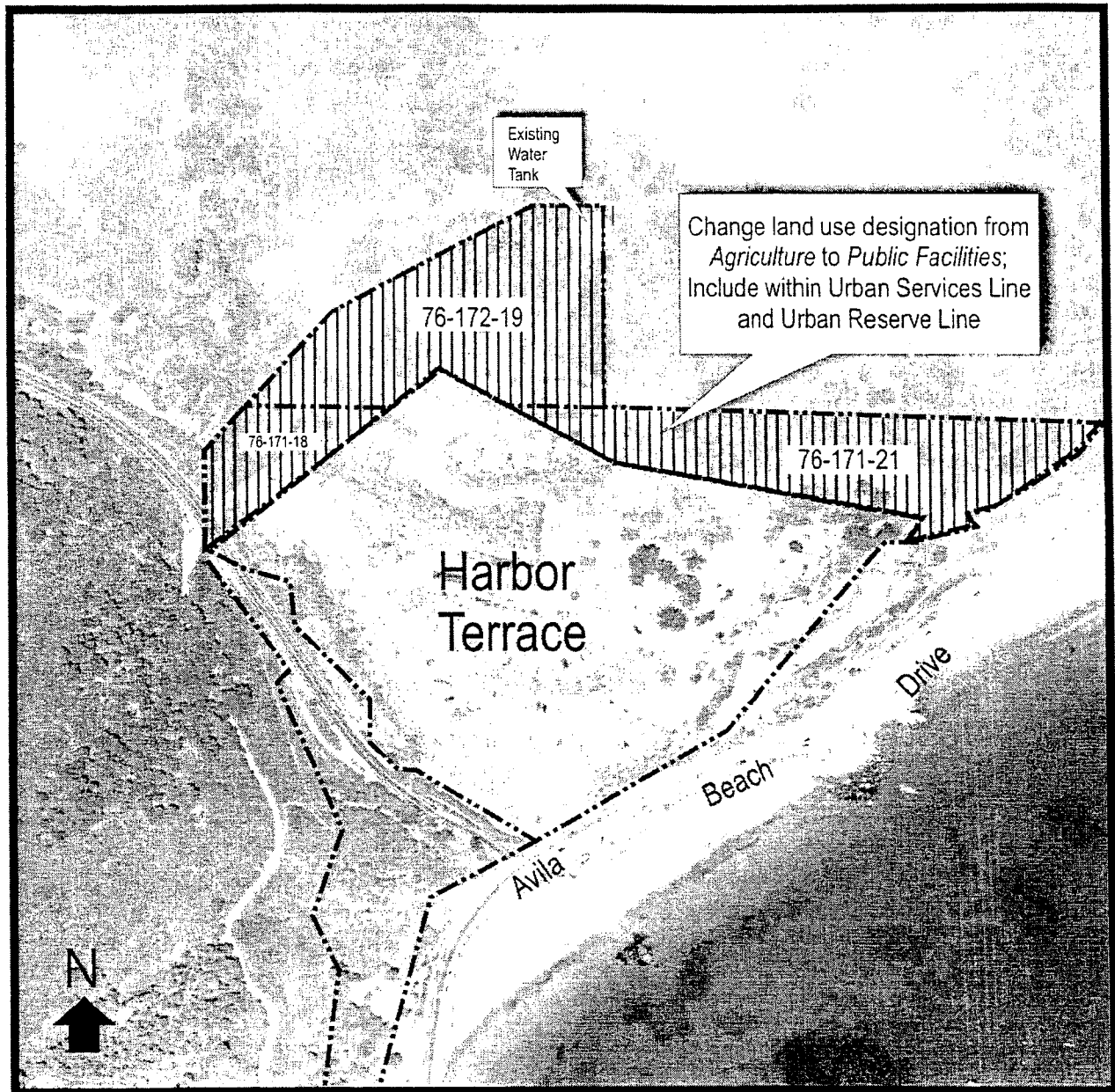


Figure 5 – Aerial View of Leasehold Parcels



INITIAL STUDY ENVIRONMENTAL CHECKLIST

This section discusses potential environmental impacts associated with approval of the proposed project.

The following guidance, adapted from Appendix G of the State CEQA Guidelines, was followed in answering the checklist questions:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the discussion. A "No Impact" answer is adequately supported if the discussion shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained when it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. All analyses must be based on a comparison between conditions that would occur if the project were implemented and existing conditions (also known as baseline conditions).
4. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. "Potentially Significant unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines Section 15063[c][D]).

The discussion that follows each section of checklist questions:

- analyzes previously certified environmental analysis and/or mitigation relevant to the issue, including the potential for each effect to be significant and adverse and standard requirements and measures that will preclude adverse impacts;
- describes proposed measures that will preclude adverse impacts;
- analyzes the potential for residual or remaining significant adverse impacts following implementation of the project and all previously identified, standard, and proposed requirements and measures; and

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- summarizes the applicable mitigation measures established by the various support documents and project-specific measures that will reduce the impacts to a less-than-significant level.

Identification of the potential for residual significant adverse environmental impacts would trigger the need to prepare an EIR. For issue areas in which no significant adverse impact would result or impacts would be reduced to a less-than-significant level by mitigation, further analysis is not required.

I. LAND USE PLANNING

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Conflict with general plan designation or zoning?			X	
b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?			X	
c. Be incompatible with existing land use in the vicinity?			X	
d. Affect agricultural resources or operations (e.g., impacts on soils or farmlands, or impacts from incompatible land uses)?			X	
e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?			X	

Prior Environmental Review

The FEIR for the Port Master Plan (SCH#2003081007, incorporated by reference and available for review at the Harbor District Offices) provides a comprehensive discussion of consistency with the County LCP, Coastal act and the provisions of other State and local regulations and plans. The discussion that follows focuses on the specific issues associated with the re-designation of the site from Agriculture to Public Facilities, and on the extension of the Urban Reserve/Urban Services Line.

Setting**Agricultural Resources**

Within the County, soil suitability for agriculture varies from *prime* to *poor*, as defined by the USDA Natural Resources Conservation Service (NRCS). The NRCS *Land Capability Classification System* that organizes soils into eight categories, or classes, that range from "non arable lands" on one end (Class VIII), to "prime" agricultural lands on the other (Class I). Prime soils are those that possess the highest agricultural capabilities.

The California Department of Conservation (DOC) is the State agency responsible for the monitoring and mapping of agricultural soils throughout the State. The DOC publishes a biannual Important Farmlands Map in association with its Farmland Mapping and Monitoring Program. Through this program

important farmland is mapped based on criteria established by the federal government. The system also takes into account other factors such as distance to markets and responsiveness to irrigation. For purposes of this impact analysis, the definition of prime agricultural land will be that used by the Department of Conservation, which is the "Prime Irrigated Farmland" designation. Prime Irrigated Farmland is land that contains prime agricultural soils (designated Class I or II under the NRCS classification system) and a reliable water source. The "Local Potential Farmland", as used by DOC and designated on the Important Farmlands Map, is land that may also contain prime soils but is not currently irrigated or cultivated. These areas could be used to replace lost Prime Irrigated Farmland if a reliable water source could be developed. Other factors relating to the suitability of an area for agriculture are topography, water supply, drainage and flooding problems, and other constraints to agricultural production that would limit the movement of farm equipment, pesticide use, noise and other nuisance impacts to surrounding land uses.

Figure 7 shows soils in San Luis Obispo County by their important farmland classifications in the vicinity of the Port. As shown in Figure 7, these lands are located primarily within the Arroyo Grande Valley, Santa Maria Valley, Chorro Valley, Los Osos Valley, and Edna Valley, and other smaller areas such as coastal terraces and valleys. Soils on the Harbor Terrace site are classified designated as "Other" which refers to soils within the mapped area that do not satisfy one of the other farmland classifications. Soils on the leasehold properties immediately north of Harbor Terrace are classified as "Grazing" land which is the designation applied to low quality soils in areas otherwise unsuitable for agricultural production activities.

General Plan Land Use Designations

As described in the project description, the Port's leasehold interests are designated *Agriculture* by the Local Coastal Program and lie outside the Avila Beach Urban Reserve Line/Urban Services Line (Figure 4). According to the Land Use Element, the Agriculture category is applied to areas where a combination of soil types, topography, water supply, existing parcel sizes, and good management practices will result in the protection of agricultural land for agricultural uses, including the production of food and fiber. The LUE goes on to state that the conversion of agricultural lands to other uses will be permitted only when such conversion would be appropriate or because the continuing agricultural productivity of a specific site is not feasible.

The Port San Luis Harbor District's properties are designated Public Facilities by the LUE which describes the Public Facilities land use category as lands and structures committed to agency facilities and uses that benefit the public.

Urban Reserve Line

The LCP defines the Urban Reserve Line (URL) as a boundary separating urban/suburban land uses and rural land uses. It is based on both the needs of individual communities for areas of additional growth during the term of the Land Use Element (20 years). The URL relates to the capacities of community resources to support urban development and defines growth areas around urban centers in which the county, or the county and affected city, will actively coordinate plans, policies and standards relating to building construction, subdivision development, land use and zoning regulations, street and highway construction, public utility systems, and other matters related to the orderly development of urban areas. Any change to the URL requires an amendment to the Land Use Element and Local Coastal Program. The amendment must be approved by the Board of Supervisors and the California Coastal Commission.

Urban Services Line

Within the URL of each community is an Urban Services Line (USL) which defines the urban/rural boundary in the Local Coastal Plan. The USL encompasses areas where urban services are now provided or where services are expected to be extended during the next five to ten years as the community expands toward full development within the sphere of influence adopted by the Local Agency Formation Commission and consistent with the County General Plan/Local Coastal Program. Accordingly, the USL is set by the County and reviewed every four years in the Land Use Element update process, along with the growth projections and service capacities upon which it is based.

Discussion of Checklist Answers

Items a.,b and.,d

Consistency with Regulations and Plans of the Harbor District.

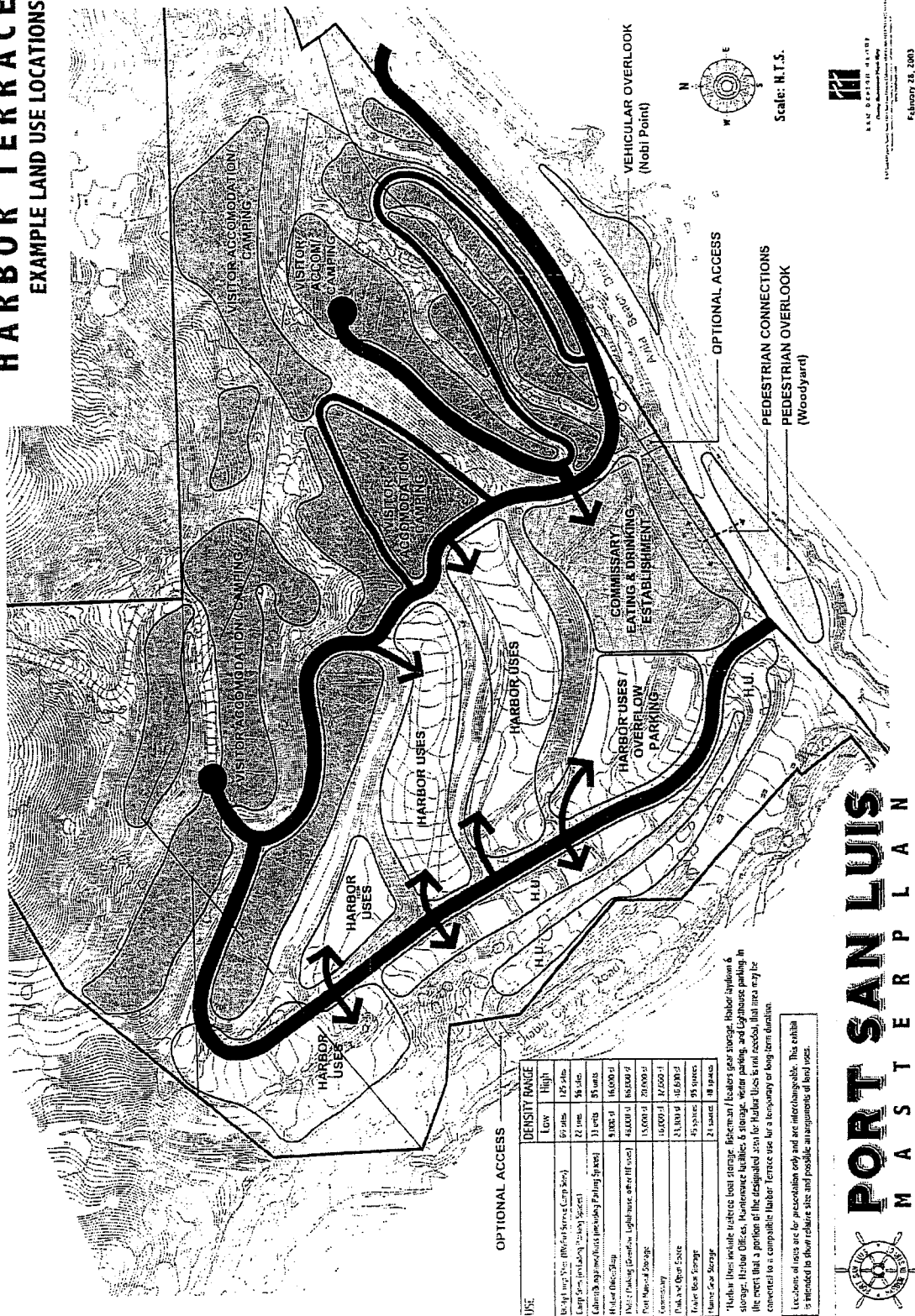
The Harbor District's 2004 Port Master Plan sets forth goals, policies and programs to guide the use and development of Port facilities. One of the main goals of the Plan is to provide low-cost visitor-serving uses, consistent with relevant provisions of the California Coastal Act. Accordingly, the Master Plan recommends development of the Harbor Terrace planning sub-area (see Figure 2) with an RV park, tent camping facilities and other low-cost visitor serving uses. The Master Plan anticipates the incorporation of the Port's leasehold interests into the design of such plans and provides a conceptual illustration of how the Harbor Terrace site might be developed at some point in the future (see Figure 6). The Master Plan provides policies and standards to guide future development of the Harbor Terrace site in a manner consistent with the provisions of the County's LCP and the Coastal Act (see Appendix A). Thus, designating the Port's leasehold interests Public Facilities will enable their inclusion in plans for the development of Harbor Terrace consistent with the Port's Master Plan, consistent with the present and past uses of these properties.

With regard to expanding the Avila Beach Urban Services/Urban Reserve Line, the potential services impacts associated with buildout of the Port Master Plan including the Port's leasehold interests were assessed in the certified Final EIR (SCH#2003081007) which is incorporated herein by reference and available for review at the Harbor District Offices. The Final EIR assumed inclusion of the Port's leasehold interests as part of development of Harbor Terrace and concluded that buildout of Master Plan, with the Port's leasehold interests would not result in a significant impact related to the capacity of public services.

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Figure 6: Harbor Terrace Conceptual Development Plan

HARBOR TERRACE EXAMPLE LAND USE LOCATIONS



San Luis Obispo County General Plan/Local Coastal program

Agriculture and Open Space Element

In December, 1998, the Board of Supervisors adopted the Agriculture and Open Space Element of the General Plan which establishes goals, policies and programs aimed at the protection and enhancement of the County's agricultural and open space resources. The primary goals of the Element with regard to agriculture are:

- AG1: Support county agricultural production.
- AG2: Conserve agricultural resources.
- AG3: Protect agricultural lands.
- AG4: Encourage public education and participation.

Among the issues addressed by the Element are the proliferation of old legal lots, or "antiquated subdivisions" in agricultural areas that could legally support a single family dwelling, and the steadily increasing number of persons desiring to live in the rural (agricultural) portions of the county. Policies of the Agriculture and Open Space Element seek to protect agricultural resources by concentrating urban development within existing urban areas and by establishing criteria whereby agriculture and limited non-agricultural development can co-exist with the least mutual disruption. The Element also establishes minimum parcel sizes for agricultural operations and seeks to implement a number of strategies to help preserve productive agricultural land. These strategies include a Transfer of Development Credits program, the clustering of development to promote viable agricultural parcel sizes, strengthening the LCA contract program, the purchase of development rights from antiquated subdivisions, and a requirement for buffers between agriculture and non-agricultural land uses.

The County's Agriculture and Open Space Element sets forth policies and programs for the protection of agricultural resources throughout the County. Policy AGP 24 states:

- a. *Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:*
 1. *Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.*
 2. *Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.*
 3. *Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.*
 4. *Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.*

Discussion: The proposed conversion of 12.03 acres of grazing land to Public Facilities and amendment of the URL is consistent with this policy in that it will not create new rural residential development and will result in the placement of existing and future public facilities within the urban reserve line.

County Criteria For Assessing the Significance of The Conversion Of Agricultural Lands

San Luis Obispo County has not adopted significance criteria for assessing the potential impact to agricultural resources resulting from development activities. General guidance is provided by the policies of the Agriculture and Open Space Element, as described above, and by Appendix G of the State CEQA Guidelines which states that "...a project will normally have a significant impact on the environment if it will convert prime agricultural land to non-agricultural land, or impair the agricultural productivity of prime agricultural land." In addition to these general criteria, the County relies on the Agricultural Commissioner to assess the potential for development activities to impact the agricultural productivity of a given site. Among the criteria used by the Commissioner are:

- *The soil type(s), and its suitability for agriculture as defined by the USDA Natural Resources Conservation Service (NRCS);*

Discussion: Figure 7 shows the soil types in the vicinity of the Port. Portions of the coastal strand north of the Port support agricultural operations consisting of limited row crop production, mostly snow peas; the cultivated acreage varies from year to year. Soils on the Port's leasehold properties consist of *xererts-xerolls-urban complex* as well as *lodo clay loam*. The xererts complex is considered unsuitable for agricultural production but can support grazing. The Lodo clay loam is a shallow, somewhat excessively drained, moderately steep soil found on foothills and mountains. Permeability of this soil is moderate, and the available water capacity is very low to low, making it relatively unsuitable for irrigated agriculture.

- *Present and past agricultural use of the site;*

Discussion: The Port's leasehold interests lie in the foothills of the Irish Hills adjacent to the Harbor Terrace planning area. These parcels are currently used for gear storage and boat storage and for a water tank; there is no evidence that these parcels have ever been used for agricultural purposes, at least since the Port established the current long-term leases in the early 1970's.

- *The size, shape and slope of the site in question;*

Discussion: The area in question consists of 12.03 acres of irregular shape. The slope in some areas exceeds twenty percent making conventional agricultural practices impractical.

- *The availability and use of irrigation;*

Discussion: No agricultural irrigation water has been developed on the site or in the vicinity. No surrounding properties are currently conducting agricultural activities.

- *Agricultural practices on surrounding properties;*

Discussion: There are no agricultural operations or activities being conducted on surrounding properties.

The Department of Conservation monitors the conversion of agricultural land for selected counties in California, including San Luis Obispo County. The data are collected in two-year increments and published in Land Use Conversion Tables. Table 1 summarizes the net change in the amount of "important" farmland in San Luis Obispo County for the period of 1998 through 2000. Important

farmland includes "prime" agricultural land, as well as farmland of statewide importance, farmland of local importance, and unique farmland. For the period between 1998 and 2000, the County saw a net decrease of about 2,231 acres in the amount of "important" farmland led by a sharp decline the acreage of Farmland Of Local Importance. However, the acreage of "Prime" farmland, Farmland of State Importance and Unique Farmland actually increased. The changes in acreage almost certainly reflects the shifting of productive and even marginal agricultural lands to wine grapes. Nonetheless, the overall trend in the County has been toward a net decrease in the amount of productive farmland.

Table 1 -- Changes in the Acreage of Important Farmland
San Luis Obispo County
1998-2000

Land Use Category	Total Acreage Inventoried		1998-2000 Acreage Changes			
			Acres Lost	Acres Gained	Total Acreage Changed	Net Acreage Changed
	1998	2000	(-)	(+)		
Prime Farmland	39,895	41,386	1,263	2,754	4,017	1,491
Farmland of Statewide Importance	13,912	17,264	695	4,047	4,742	3,352
Unique Farmland	30,098	34,979	2,035	6,916	8,951	4,881
Farmland of Local Importance	273,867	261,912	14,066	2,111	16,177	-11,995
IMPORTANT FARMLAND SUBTOTAL	357,772	355,541	18,059	15,828	33,887	-2,231
Grazing Land	661,939	662,021	3,406	3,488	6,894	82
AGRICULTURAL LAND SUBTOTAL	1,019,711	1,017,562	21,465	19,316	40,781	-2,149

Source: California Department of Conservation

As Table 1 shows, the County actually realized a net gain in grazing land between 1998 and 2000. The conversion of the Port's 12.03 acre leasehold interests to an urban use would constitute a loss of about 0.001 per cent of the total grazing land in the County mapped in 2000.

Coastal Zone Land Use Ordinance

The Coastal Zone Land Use Ordinance (CZLUO) provides requirements for the protection of agricultural resources. These requirements include:

- *Minimizing the conversion of prime agricultural soils;*

Discussion: The parcels in question consist of non-prime soils that are marginally suitable for grazing.

- *Consideration of the compatibility of the proposed land use with nearby agricultural operations;*

Discussion: There are no ongoing agricultural operations on the surrounding properties.

- *Site design standards to help minimize conflicts;*

Discussion: The Port Master Plan and certified FEIR provide development standards for the Harbor Terrace site aimed at minimizing impacts to sensitive resources both on- and off-site.

- *The prohibition of the extension of urban services to development or land divisions outside the urban services line (applies regardless of land use category),*

Discussion: The URL is proposed to be expanded to include these properties concurrently with the change in land use designation, consistent with this requirement and will bring existing public uses into the URL and USL..

- *A guarantee of continuing agricultural or open space use through easements.*

Discussion: As stated above, there are no ongoing agricultural operations on surrounding properties.

The California Coastal Act

The Coastal Act contains policies that favor the protection of agriculture and productive agricultural soils. Section 30241 states that the maximum amount of agricultural land shall be preserved by:

- Establishing stable urban/rural boundaries and buffer areas to minimize conflicts;
- Limiting the conversion of agricultural lands around the periphery of urban areas;
- Developing lands less suited for agricultural uses first;
- Providing the assurance that the expansion of public services and facilities and other non-agricultural development does not impair agricultural viability; and
- Providing the assurance that all divisions of prime agricultural lands and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

The Coastal Policies document provides guidance for the preservation of agriculture and implements the aforementioned provisions of the California Coastal Act. These policies favor the expansion of agriculture over other land uses to ensure that existing and potential agricultural viability is preserved.

Section 30242 states that all other lands suitable for agricultural use shall not be converted to non-agricultural uses unless: 1) continued or renewed agricultural use is not feasible, or 2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250.

Discussion: The properties in question consist of marginal soils not suitable for agriculture. No agricultural use of the properties has occurred for several decades. No agricultural uses exist on surrounding properties, and the potential for future use of these parcels for agriculture other than grazing appears remote because of the nature of the soils, the topography and absence of irrigation.

Item d.

Applying the Public Facilities designation to these properties would allow for a wide range of public facility uses consistent with the existing use and with the Port's Master Plan. As stated earlier, the intended use of the Harbor Terrace site, including the leasehold parcels, is to support low-cost visitor-serving uses. Extending this designation to include leasehold parcels will not create compatibility impacts because the surrounding properties are generally used as open space; no agricultural use of the properties has occurred in recent history.

Item e.

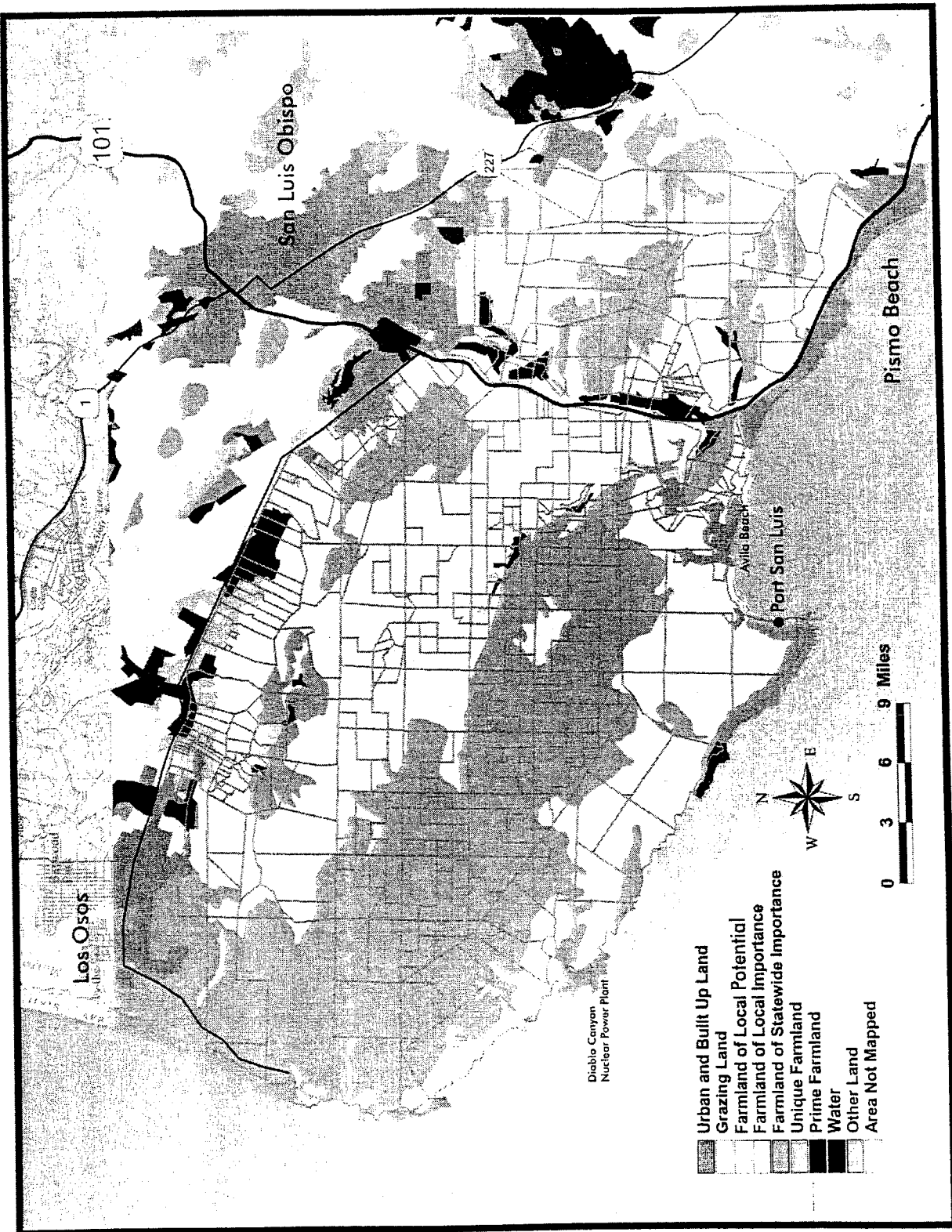
The expansion of the Public Facilities designation and the URL consistent with the Port's Master Plan will not disrupt or divide an established community.

Conclusion

The conversion of 12.03 acres of marginal grazing land to Public Facilities and the extension of the URL would result in a less than significant impact to agricultural resources and would be consistent with relevant provisions of the County General Plan, Local Coastal Program and the Coastal Act.

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Figure 7: Important Farmland In the Vicinity of Port San Luis



II. POPULATION AND HOUSING

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Cumulatively exceed official regional or local population projections?				X
b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?			X	
c. Displace existing housing, especially affordable housing?				X

Setting/Discussion of Checklist Answers

Items a. and c.

The properties to be designated Public Facilities are currently used for boat and gear storage and for a water tank; they contain no dwellings or other structures. State law prohibits the Port from allowing residences on public property. Therefore, the proposed amendment would not cause an exceedence of population projections or displace existing housing.

Item b.

Designating these properties Public Facilities will allow the expansion of Port facilities supported by the extension of water, sewer, electricity, storm drainage and other infrastructure. These issues are discussed in Section XI of this draft ND.

Conclusion

The proposed project would result in a less than significant impact to population and housing.

III. GEOLOGIC PROBLEMS

Issues	Potentially Significant unless Mitigation Incorporated			
	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	No Impact
<i>Would the proposal result in or expose people to potential impacts involving:</i>				
a. Fault rupture?				X
b. Seismic ground shaking?			X	
c. Seismic ground failure, including liquefaction?			X	
d. Seiche, tsunami, or volcanic hazard?			X	
e. Landslides or mudflows?				X
f. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?			X	
g. Subsidence of the land?				X
h. Expansive soils?				X
i. Unique geologic or physical features?				X

Setting

The Port's leasehold parcels are located in the San Luis Range, which forms the south-face of San Luis Obispo Bay. The rocks of the San Luis Range are Miocene-aged sediments, overlying a basement complex of greenstone, serpentine, basalt, sandstone and chert.

The San Luis Bay fault is located approximately ¼ mile west of the site (Harbor Terrace Final EIR, Douglas Wood & Associates, Inc. 1998). This fault trends southeasterly offshore just west of the Harford Pier. The fault is not considered to be active. According to the San Luis Obispo Area Plan Update Draft Environmental Impact Report (Fugro West, Inc., August 1995), the Edna Fault is located approximately four miles east of the site at its closest point. However, that fault is also considered to be inactive. An inactive fault is defined as a fault that does not displace Pleistocene (two million years ago or more recent) strata. The nearest active faults to the project site are the Hosgri Fault, which is located approximately six miles west of the site, and the Los Osos Fault, which is located approximately six miles northeast of the site. The Los Osos fault has a potential for seismic events of a magnitude up to 6.75 on the Richter scale. The project site is not located within an Alquist-Priolo Special Studies Zone.

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Discussion of Checklist Answers

The potential risk associated with the geology of the site was assessed in the FEIR for the Port Master Plan which requires a range of mitigation measures to accommodate development of the Harbor Terrace site. Since the FEIR assumed development of the Port's leasehold interests as part of Harbor Terrace, the potential geologic hazard of changing the land use designation from Agriculture to Public Facilities is considered less than significant so long as the requirements of the Port Master Plan and FER are applied to new development.

Conclusion

The proposed project would result in less than significant impacts related to geologic problems.

IV. DRAINAGE

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?				X
b. Exposure of people or property to water-related hazards such as flooding?			X	
c. Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?			X	
d. Changes in the amount of surface water in any water body?				X
e. Changes in currents, or the course or direction of water movements?				X
f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?				X
g. Altered direction or rate of flow of groundwater?				X
h. Impacts on groundwater quality?				X
i. Substantial reduction in the amount of groundwater otherwise available for public water supplies?				X

Setting/Discussion of Checklist Answers

The hydrology of the Harbor Terrace site and the leasehold parcels are described in the FEIR for the Port Master Plan, which assumed development of these properties with public facilities. Changing the land use designation and URL/USL will not in itself adversely impact drainage. However, subsequent development accommodated by the Port Master Plan has the potential to adversely impact drainage and water quality.

The FEIR for the Port Master Plan concludes that development of Harbor Terrace with the Port's leasehold properties will not result in a significant impact so long as the adopted standards are applied to new development.

Conclusion

The proposed project will result in less than significant impacts related to drainage.

V. AIR QUALITY

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Violate any air quality standard or contribute to an existing or projected air quality violation?			X	
b. Expose sensitive receptors to pollutants?				X
c. Alter air movement, moisture, or temperature, or cause any change in climate?				X
d. Create objectionable odors?				X

Setting/Discussion of Checklist Answer

Conversion of the leasehold parcels from Agriculture to Public Facilities will not in itself result in impacts to air quality. However subsequent development accommodated by the Port Master Plan will generate emissions that may adversely affect air quality.

The FEIR for the Port Master Plan assesses the air quality impacts associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that construction related impacts associated with development of the Harbor Terrace site would be unavoidable and adverse, even after the application of the adopted standards and mitigation measures. However, designation of the site as Public Facilities will not result in impacts to air quality.

Conclusion

The proposed project would result in less than significant impacts related to air quality.

VI. TRANSPORTATION/CIRCULATION

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Increased vehicle trips or traffic congestion?			X	
b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
c. Inadequate emergency access or access to nearby uses?				X
d. Insufficient parking capacity onsite or offsite?				X
e. Hazards or barriers for pedestrians or bicyclists?				X
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	
g. Rail, waterborne, or air traffic impacts?				X

Setting/Discussion of Checklist Answer

Conversion of the leasehold parcels from Agriculture to Public Facilities will not in itself result in impacts to traffic and circulation. However subsequent development accommodated by the Port Master Plan will generate vehicle trips that may adversely affect traffic.

The FEIR for the Port Master Plan assesses the traffic and circulation impacts associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that development of the Harbor Terrace site with an RV park, tent camping facilities and other low-cost visitor-serving uses can be accommodated on surrounding streets and intersections with cumulative development while maintaining an acceptable level of service.

Conclusion

The proposed project would result in less than significant impacts related to transportation and circulation.

VII. BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Potentially Significant Less-Than- Significant Impact	No Impact
<i>Would the proposal result in impacts on:</i>				
a. Endangered, threatened or rare species or their habitats (including, but not limited to, plants, fish, insects, animals, and birds)?			X	
b. Locally designated species (e.g., heritage trees)?			X	
c. Locally designated natural communities (e.g., oak forest)?			X	
d. Wetland habitat (e.g., marsh, riparian, and vernal pool)?				X
e. Wildlife dispersal or migration corridors?				X
f. Marine mammals?				X

Setting/Discussion of Checklist Answers

Conversion of the leasehold parcels from Agriculture to Public Facilities will not in itself result in impacts to biological resources. Portions of these parcels have been graded and are already used for public facilities. However subsequent development accommodated by the Port Master Plan may adversely affect sensitive resources on these parcels.

The FEIR for the Port Master Plan assesses the potential impacts to biological resources associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that potential impacts to biological resources could be significant and recommends a number of standards that were incorporated into the Master Plan and will be applied to future development of the site (see Appendix A). So long as these standards are applied, conversion of the site to Public Facilities and subsequent development with low cost visitor-serving uses will not result in a significant adverse impact.

Conclusion

The proposed project would result in less than significant impacts to biological resources.

VIII. ENERGY AND MINERAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Conflict with adopted energy conservation plans?				X
b. Use nonrenewable resources in a wasteful and inefficient manner?				X
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?				X

Setting/Discussion of Checklist Answers

No mineral resources are known to exist on the project site or in the vicinity.

Conclusions

The proposed project would result in no impacts related to energy and mineral resources.

IX. HAZARDS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal involve:</i>				
a. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?			X	
b. Possible interference with an emergency response plan or emergency evacuation plan?			X	
c. The creation of any health hazard or potential health hazard?				X
d. Exposure of people to existing sources of potential health hazards?			X	
e. Increased fire hazard in areas with flammable brush, grass, or trees?				X

Setting/Discussion of Checklist Answers

The change in land use designation from Agriculture to Public Facilities will not in itself result in an increased exposure to hazards. However subsequent development accommodated by the Port Master Plan could increase the exposure to natural and human-made hazards to occupants of the RV park/low-cost visitor-serving facilities.

The FEIR for the Port Master Plan assesses the potential impacts associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that development of the Harbor Terrace site would not will not result in significant impacts associated with hazards so long as the adopted standards for Harbor Terrace are applied to new development.

Conclusion

The project will not result in significant impacts associated with hazards.

X. NOISE

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Increases in existing noise levels?			X	
b. Exposure of people to severe noise levels?			X	

Setting/Discussion of Checklist Answers

Conversion of the leasehold parcels from Agriculture to Public Facilities will not generate new sources of noise or expose people to excessive noise. However subsequent development accommodated by the Port Master Plan could result in short-term and long term noise exposure.

The FEIR for the Port Master Plan assesses the potential noise impacts associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that development of the Harbor Terrace site would not will not result in significant noise impacts as the adopted standards for Harbor Terrace are applied to new development.

Conclusion

The proposed project would result in less than significant impacts related to noise.

XI. PUBLIC SERVICES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?				X
d. Maintenance of public facilities, including roads?			X	
e. Other governmental services?			X	

Setting/Discussion of Checklist Answers

Public services are provided to the Port by a variety of service providers including the County Sheriff, Avila Beach Fire Department, South County Sanitary Services, and the Avila Beach Community Services District. Conversion of the leasehold parcels from Agriculture to Public Facilities will not in itself result in an increased demand for public services. However subsequent development accommodated by the Port Master Plan will increase the demand for such services.

The FEIR for the Port Master Plan assesses the potential impacts to public services associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that development of the Harbor Terrace site can be accommodated within the service capacities of the Port and other service providers without resulting in a significant impact. The Master Plan contains standards derived from the FEIR applied to new development to ensure services are available concurrently or in advance of new development. Thus, sufficient service capacity exists to serve the Harbor Terrace site inclusive of the leasehold parcels and the extension of the URL/USL is appropriate and consistent with County policies.

The potential for growth inducement associated with buildout of the Port Master Plan was also assessed in the Master Plan FEIR. Again, the FEIR concludes that buildout (including the leasehold parcels) will not result in growth inducement. The biggest constraint to additional development at the Port is the capacity for traffic on Avila Beach Drive, along with water supply and wastewater capacity. The service capacities to the Port for water and wastewater are fixed and no expansion of these services is required to accommodate buildout inclusive of the leasehold interests. According to the updated Avila Circulation Study, buildout of the Master Plan can be accommodated within the service capacity threshold of Avila Beach Drive.

Conclusion

The proposed project would result in less than significant impacts related to public services.

XII. UTILITIES AND SERVICE SYSTEMS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:</i>				
a. Power or natural gas?			X	
b. Communications systems?			X	
c. Local or regional water treatment or distribution facilities?			X	
d. Sewer or septic tanks?			X	
e. Stormwater drainage?			X	
f. Solid waste disposal?			X	
g. Local or regional water supplies?			X	

Setting/Discussion of Checklist Answers

[See discussion under Public Services, above.]

Conclusion

The proposed project would result in no significant impacts related to utilities and service systems.

XIII. AESTHETICS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Affect a scenic vista or scenic highway?			X	
b. Have a demonstrable negative aesthetic effect?			X	
c. Create light or glare?			X	

Setting/Discussion of Checklist Answers

Conversion of the leasehold parcels from Agriculture to Public Facilities will not in itself result in adverse impacts associated with aesthetics. However subsequent development accommodated by the Port Master Plan could result in adverse impacts.

The FEIR for the Port Master Plan assesses the potential impacts to views and aesthetics associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that development of the Harbor Terrace site would not will not result in significant impacts so long as the adopted standards for Harbor Terrace are applied to new development.

Conclusion

The proposed project would result in less than significant impacts related to aesthetics.

XIV. CULTURAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Disturb paleontological resources?			X	
b. Disturb archaeological resources?			X	
c. Affect historical resources?				X
d. Have the potential to cause a physical change which would affect unique ethnic cultural values?				X
e. Restrict existing religious or sacred uses within the potential impact area?				X

Setting/Discussion of Checklist Answers

Conversion of the leasehold parcels from Agriculture to Public Facilities will not in itself result in adverse impacts to cultural resources. However subsequent development accommodated by the Port Master Plan could result in adverse impacts.

The FEIR for the Port Master Plan assesses the potential impacts to cultural resources that could occur with buildout of the Harbor Terrace site and the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that development of the Harbor Terrace site would not will not result in significant impacts so long as the adopted standards for new development are applied.

Conclusion

The proposed project will not result in significant impacts related to cultural resources.

XV. RECREATION

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Increase the demand for neighborhood or regional parks or other recreational facilities?			X	
b. Affect existing recreational opportunities?			X	

Setting/Discussion of Checklist Answers

Conversion of the leasehold parcels from Agriculture to Public Facilities will not in itself result in adverse impacts to recreation. However subsequent development accommodated by the Port Master Plan could result in adverse impacts.

The FEIR for the Port Master Plan assesses the potential impacts to recreation associated with buildout of the Harbor Terrace site with the Port's leasehold interests consistent with the Port Master Plan. The FEIR concludes that development of the Harbor Terrace site would not will not result in significant impacts so long as the adopted standards for Harbor Terrace are applied to new development.

Conclusion

The proposed project would result in no impacts related to recreation.

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Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?			X	
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion of Checklist Answers

The proposed conversion of the Port's 12.03 acre leasehold interests to Public Facilities and the expansion of the Avila Beach Urban Reserve Line/Urban Services is consistent with relevant provisions of the Port Master Plan, County General Plan, LCP, the Coastal Act and other relevant plans and policies. The areas to be so designated can be accommodated within the service capacities of existing providers without expansion of services. Potential impacts associated with buildout of these areas consistent with the Public Facilities designation has been analyzed by the Master Plan FEIR and found to be less than significant.

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DETERMINATION

Pursuant to Sections 15152 and 15168 of the State CEQA Guidelines, this initial study has been prepared to evaluate the potential impacts of the proposed project.

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the initial study. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Dave Moran

Dave Moran, Environmental Coordinator
(on behalf of the Port San Luis Harbor District)

2/4/2005
Date

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LIST OF PREPARERS

This initial study and mitigated negative declaration was prepared under contract to the Port San Luis Harbor District by Crawford, Multari & Clark, Associates. Individuals who contributed to this report are listed below.

PORT SAN LUIS HARBOR DISTRICT

Jay K. Elder, Harbor Manager

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David Moran, Senior Associate

Appendix A

Adopted Standards and Mitigation Measures From The Port Master Plan FEIR

Geologic Resources

- G-1. Future development shall conform with all applicable requirements of the Uniform Building Code and other applicable construction regulations relating to potential seismic and/or geologic and slope-related hazards.

The following standards shall apply to development of the Harbor Terrace planning area:

- G-2. No development shall occur until 1) a geologic investigation has been prepared conforming to Section 3309.6 of the Uniform Building Code, 1994 Edition as amended by pertinent sections of Title 24 of the California Code of Regulations, and standard geologic practice; and 2) a Geotechnical Engineering Investigation has been prepared conforming to Section 3309.5 of the Uniform Building Code, 1994 Edition as amended by pertinent sections of Title 24 of the California Code of Regulations, and standard geologic practice. The contents of these investigations are described below:
- a. The geologic investigation shall be conducted by a certified Engineering Geologist, which at a minimum, shall address the following: the extent, depths, configurations, and activity levels of the existing major landslides, including the landslide that has been obscured by the buttress fill; the potential for destabilization of these landslides due to the proposed grading; the stability of slopes under the proposed grading and appropriate mitigation; evaluation of the sheared rock zone and its relations to fault activity; determination of the location of the San Luis Bay Fault at the site and its potential ramifications for the project; evaluations of the cut slope at the eastern corner of the site and its potential for instability, as well as appropriate mitigations; the potential for liquefaction and lateral spreading in the area where fill will be placed for the Port access road and which may extend into the Bay (Phase II); and assessment of the potential for bluff erosion along the coastal length of the project. This investigation will also provide feasible engineering and/or design solutions for these potential geologic impacts including the need for construction or augmentation of bluff protection and setback requirements from existing constraints.
 - b. The geotechnical engineering investigation shall be conducted by a Registered Geotechnical Engineer or a Registered Civil Engineer experienced in geotechnical investigations. In addition to the items that normally are addressed in such an investigation, the report should include, but not be limited to, the following factors: soil and groundwater conditions encountered; preparation of the site prior to grading; grading criteria for pavement and building areas; types and depths of foundations; maximum allowable bearing capacities; site coefficients for use in foundation design; potential for liquefaction; total and differential settlement; resistance to lateral loads; subslab ground treatment; design criteria for retaining walls; pavement design criteria; site drainage; assessment of the existing fill at the site, including the suitability of the materials used, original site preparation, and degree of compaction; the impact of placing fill upon the existing fills and appropriate mitigation; settlement potential of the fill and appropriate mitigation; and placement of fill over cut slopes and appropriate mitigation. This investigation will also provide feasible engineering or design solutions to these potential geologic impacts.
- G-3. There are five major landslides which have been identified on the Harbor Terrace site. These landslides are depicted as Landslides #1 through #5 in Figure 5.1-2. Specific recommendations related to each landslide are provided below as well as within the Geologic Hazards Study incorporated by reference into this DEIR and available for review at the Harbor District offices.
- a. Landslide 1, located in the eastern region of the site, shall be thoroughly assessed by the project geologist. In addition to analyzing the inherent stability of the landslide, the impact of making cuts in the body of the landslide must also be considered, as well as the impact of the 40-foot fill planned in the southeast region of the landslide. This study shall be conducted as part of the final project design, when final grades have been set and are available in a grading plan, yet while modifications are still possible to accommodate site conditions. This study shall be conducted as a feasibility study to determine the major characteristics of the slide and the extent of required mitigation. Specific measures that could be implemented, depending upon the characteristics of the landslide and the relationship of the landslide debris to the proposed building locations, include excavation of appropriate portions of the landslide and replacement with compacted fill. This type of grading solution would entail benching, the installation of drains, and possibly the use of geogrid reinforcing. Fill slopes shall not exceed a 2:1 horizontal to vertical ratio. Other alternatives could include stabilization systems utilizing tie-backs or caissons or project redesign to relocate structures out of the slide area.

- b. Landslide 2, located in the northwest region of the site, shall be studied by the project geologist to determine its depth, activity level, and extent. This study shall be conducted as part of the final project design, as the relationship of the grading to the location and depth of the landslide will determine the appropriate mitigation(s). Possible mitigation measures for this landslide could include excavation of the landslide and replacement as a compacted fill, possibly with drains and geogrid reinforcement; increasing the height of the retaining wall to allow it to also function as a debris wall; or using another stabilizing system such as a tie-back system above the retaining wall in caissons.
 - c. Landslide 3, located below the existing water tank, shall be analyzed to determine its depth and geometry and the effect of the proposed cut upon slope stability. This study shall be conducted as part of the final project design, as a fairly accurate depth of cut must be known to properly assess its impact upon slope stability. As major cuts are planned in this area, mitigation could be achieved by modifying the grading plan to remove all of the landslide debris. Other possible mitigations could include replacement with compacted fill, possibly with drains and geogrid reinforcement, use of a retaining wall, tie-backs, or caissons.
 - d. The location of Landslide 4 has been obscured by past grading, and by the subsequent placement of a buttress fill. This landslide area shall be investigated as part of final project design with respect to the materials used and its state of compaction. Mitigation, if any, will be determined by the outcome of such an investigation. Possible mitigations include removal of the slide debris and replacement as a compacted fill, placement of additional buttress fill, or use of structural solutions such as retaining walls, tie-backs, or caissons. This assessment shall be conducted by the project geologist as part of final project design.
- G-4. In addition to the four major landslides described above, there are numerous smaller landslides and slumps located throughout the property. Landslide 5 will not be impacted by project development other than the possibility of decreasing the need for frequent maintenance due to the placement of fill and the subsequent increased distance between the landslide and the affected roadway. In areas where cuts are made, the project geologist shall determine whether all of the slide debris has been removed in each area. This determination should be made during project grading. If it is determined that slide debris remains in any areas, assessments regarding stability and any necessary mitigation measures shall be made at that time.
- G-5. In areas where cuts are planned, the stability of the proposed slopes shall be evaluated by the project geologist. This study shall be conducted as part of the final design, as the depths of the cuts must be known to accurately assess their impact upon slope stability. In the event that the slopes in their planned configurations prove unstable, there are several potential mitigation measures. These potential measures include flattening of the proposed slopes to a stable configuration, overcutting the slopes and rebuilding them as stable, compacted fill, and possibly structural applications, such as retaining walls, caissons, driven piles, and installation of geogrid reinforcement.
- G-6. The project geotechnical engineer shall conduct sufficient exploration of the existing fill during final project design to render an opinion regarding the suitability of the fill materials use, the degree of compaction, the settlement characteristics, and the strength of the fill materials. The stability and settlement potential of the fill, following the proposed grading shall also be assessed. If the results of this analysis indicate the existence of unstable soil materials, slope instability, inadequate compaction or excessive settlement potential, this situation shall be mitigated by project grading.
- G-7. The placement of fill over cut slopes is specifically addressed in the Uniform Building Code; the potential for slope failure can be readily mitigated by proper grading techniques in accordance with the Uniform Building Code.
- G-8. Slopes which involve new fill material over existing fill will require assessment by the project geotechnical engineer or geologist. Recommendations shall be developed as to the best method of mitigation. Such measures could include excavation of the cut slope and rebuilding the entire slope as a compacted fill, possibly utilizing drains and/or geogrid reinforcement. Recommendations from this shall be incorporated into the geotechnical engineering investigation or geologic study as part of the final project design.
- G-9. Detailed grading plans shall be prepared and submitted for all project phases which identify existing and proposed drainage channels and proposed final site configuration. Grading plans shall be in conformance with the County Coastal Zone Land Use Ordinance.
- G-10. It is recommended that on-site areas of sheared rock be evaluated by the project geologist and a determination made as to whether the sheared rock is fault-related. If the sheared rock zone is fault-related, the potential ramifications of the fault shall be studied and addressed by the project geologist. Potential mitigation measures to avoid seismic-related

displacement include: setting back from the fault, structural augmentation of the foundation where the fault is straddled or removing the bedrock and replacing it with compacted fill as the foundation support material.

- G-11. The entire length of bluff along San Luis Bay shall be assessed through a Stability Evaluation Report to determine the rate of bluff retreat and the characteristics of wave run-up. The need for setbacks or bluff protection shall be addressed by the project geologist in this assessment. The adequacy of the existing rip-rap structures shall also be assessed and a determination made as to whether augmentation is necessary to protect the proposed improvements. With respect to the fill planned to support the widened access road (Phase II), mitigation measures for erosion will include construction of a retaining structure at the toe of the fill, facing the fill with rip-rap, constructing the lower portion of the fill out of rip-rap, or other equivalent design solution.
- G-12. To mitigate the potential for excessive settlement of the proposed road fill, bay sediments shall be removed as necessary in order to place fill on the underlying competent rock. The depth to the rock, recommendations for overexcavation, and the precise design solution (i.e. retaining structure, use of rip-rap, etc.) shall be made by the geotechnical engineer as part of the final geotechnical engineering investigation.
- G-13. The further erosion of Avila Beach Drive at the entrance to Diablo Canyon shall be mitigated by the installation of engineered rip-rap or equivalent protective measures.

Drainage and Hydrology

- D-1 Measures to be considered for the mitigation of potential drainage, erosion, seepage and water quality impacts associated with new development include, but are not limited to:
 - a)The incorporation of on-site runoff collection systems which includes energy dissipation, berms, temporary settling basins, and/or a silt/hydrocarbon separator for the collection and removal of hazardous materials and sediments.
 - b)The incorporation of on-site drainage systems to collect runoff from all impervious onsite services, including parking spaces, roads and buildings.
 - c)The incorporation of offsite retention basins with appropriate water quality controls.
 - d)Surface runoff should be collected by curbs, gutters and drainage swales and conveyed to an appropriate point of disposal. Discharges of greater than five feet per second should be released through an energy dissipator or outlet.
 - e)The incorporation of sub-surface drains to intercept seepage and convey it to an acceptable point of disposal.
 - f)Watering any construction sites at least twice per day during construction, or more frequently if determined necessary by the Harbor District.
 - g)Re-vegetating portions of sites exclusive of paved areas as soon as reasonable following grading.
 - h)Incorporating rain gutters and downspouts for buildings with adequate splash guard protection.
 - i)Grading surfaces adjacent to buildings so that runoff is conveyed away from foundations and onto paved surfaces or underground collection pipes.
- D-2 Prior to the commencement of new construction activities, a General Construction Activity Storm Water Permit from the Regional Water Quality Control Board (RWQCB) shall be obtained. As part of this permit, a storm water pollution prevention plan shall be prepared specifying Best Management Practices (BMPs) for erosion control and stormwater pollutant discharge control during any construction activities. For all project components, grading and drainage plans shall incorporate BMPs for erosion control and stormwater pollutant discharge control. This may also serve to reduce non-project-related sediment loads further downstream.
- D-3 All newly constructed impervious surfaces, including parking spaces, streets and roads, and storage lots, shall drain to an underground storm drainage system or improved channel. Surface runoff will be collected by curbs, gutters and drainage swales to storm drain pipe inlets. Runoff will be kept underground until it is released to a graded or improved natural channel. Discharges greater than five feet per second will be released through an energy dissipator structure at the drainage system outlet.
- D-4 New roadside shoulders beyond the edge of pavement shall only be used for minor road embankment runoff and emergency overflows from underground pipe systems. Additional drainage swales, inlets and channels will be provided on grading plans in order to handle sheet flows that would otherwise be directed across roads.
- D-5 The following grading procedures shall be included in order to minimize the potential for drainage and erosion problems on slope banks:
 - a. Locate terrace drain ditches at the top of fill slopes greater than a gradient of 4 horizontal to 1 vertical. Allow only surface runoff which is incidental over the face of a fill slope.

- b. Include terrace drains and velocity dissipators on existing and proposed slopes greater than 35 feet in height.
- c. Install wicks, subdrains or other improvements, as necessary, to insure that groundwater seepage does not occur on man-made slopes.

- D-6 All areas disturbed by grading activities shall be seeded with native or naturalized grasses to reduce dust emissions and erosion.
- D-7 New storm drain inlets and pipe systems shall be added along the edge of the bluff to prevent flows from being released onto unprotected slopes.
- D-8 A site-specific erosion control and temporary revegetation plan shall be developed for all new grading. This plan shall include erosion control devices to be installed prior to the beginning of the rainy season (October 15).
- D-9 Prior to grading operations, application for a construction Storm Water Discharge General Permit shall be submitted to the Regional Water Quality Control Board. This permit request will be accompanied by an indication of construction site erosion control practices, soil tracking control methods and practices, and moisture control of surfaces for dust control.
- D-10 An erosion and sedimentation control plan as required by the National Pollution Discharge Elimination System permit shall be prepared for all new construction. This permit request will comply with all the drainage protection measures and procedures of the on-site Storm Water Pollution Prevention Plan (SWPPP).
- D-11 A Revegetation Plan shall be prepared for all newly graded areas. The goal of this plan is to (1) ensure that sediment is not eroded and transported off-site; and (2) upon completion of construction, to re-establish vegetation compatible with surrounding native plantings.
- D-12 Additional rock dissipator protection shall be provided at new culvert outlets along Avila Beach Drive and at the existing 5 foot diameter culvert for the Diablo Canyon Road channel.
- D-13 Additional rock protection along the shoreline (Avila Beach Drive) will be added to provide protection of the new and existing slopes during high surf conditions.
- D-14 Prior to approval of new grading plans or grading permits, the applicant shall show the following note on grading and drainage plans:

No construction work will be permitted in any flowing channel and no graded material or debris will be placed within existing storm drain channels. All work within seasonally dry streambeds shall be in accordance with permits issued by the County of San Luis Obispo and the Regional Water Quality Control Board.

Cultural Resources

- C-1 In the event archaeological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative should monitor any mitigation work associated with prehistoric cultural material.
- C-2 If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

Noise

- N-1 All construction equipment shall be in proper operating condition and fitted with factory standard silencing features.
 - i. A haul route plan shall be prepared for review and approval by the Harbor District.
 - ii. Whenever practical, the noisiest construction operations shall be scheduled to occur together in the construction program to avoid continuous periods of noise generation. Scheduling of noisier construction activities shall also take advantage of summer sessions and other times when classes are not in session.

iii. Project construction activities that generate noise in excess of 60 dB at the project site boundary shall be limited to the hours of 7 a.m. to 6 p.m.

- N-2 All large construction equipment will be equipped with "critical" grade noise mufflers. Noise level reductions associated with the use of "critical" rather than "stock" grade mufflers can be as high as 5 dBA. Engines will also be tuned to insure lowest possible noise levels.
- N-3 Detailed noise analyses shall be prepared when grading plans are developed to fully determine the need and extent of temporary and/or permanent noise barriers. Final noise barrier heights shall be determined with final grading plans indicating lot locations, trailer setbacks, and precise pad elevations are developed. The barriers may consist of a berm, wall, or a combination berm and wall. Walls should not contain holes or gaps, and should be constructed of slumpstone or other masonry material.
- N-4 Equipment lay-down areas, staging areas or those areas that are reserved for testing and repairing of construction equipment shall be located as far away from sensitive receptors.

Public Services

- PS-1 New development shall not be allowed until adequate public services and facilities to serve such development are provided. Where existing facilities are inadequate, new development may only be approved when the following conditions are met:
 - a. It can demonstrated that all necessary public facilities will be installed or adequately financed (through fees or other means); and
 - b. The facilities improvements are consistent with applicable facility plans approved by the Harbor District, the County and/or such other agencies in which provides services to the Port.
- PS-2 Future development shall be required to pay all applicable Public Facilities Fees to the County of San Luis Obispo to offset potential impacts to, among other County services, police and fire protection services.
- PS-3 Where determined by the Harbor District, plans for new development shall be submitted for review by the San Luis Obispo County Sheriffs Department to assess the adequacy in which a project's design addresses the following issues:: emergency access, internal circulation and provision of "defensible space". The recommendations of the Sheriffs Department shall be considered by the Harbor District in deciding to approve such new development.
- PS-4 The Harbor District shall ensure that all proposed developments are reviewed for compliance with fire safety standards per the Uniform Fire Code and other City standards and ordinances.
- PS-5 The Harbor District shall promote the efficient use of water and reduced water demand by:
 - a. Requiring water-conserving design and equipment in new construction;
 - b. Encouraging water-conserving landscaping and other conservation measures;
 - c. Encouraging the retrofitting of existing fixtures with water-conserving fixtures;
- PS-6 The Harbor District shall promote maximum use of solid waste source reduction, recycling, composting and environmentally-safe transformation of wastes.
- PS-7 The Harbor District shall require that all new development complies with applicable provisions of the San Luis Obispo County Integrated Waste Management Plan.
- PS-8 All water mains and fire hydrants shall provide required fire flows and shall be constructed in accordance with the specifications of the County of San Luis Obispo, the California Department of Forestry or other applicable standards.
- PS-9 Where determined by the Harbor District, plans for new development shall be reviewed by the County of San Luis Obispo to insure that building materials, access, brush clearance and water storage capacity provide adequate fire protection to the proposed project.
- PS-10 Prior to the approval of any site plans for development areas adjacent to open space, a Fuel Reduction Plan shall be submitted to the County of San Luis Obispo and the California Department of Forestry for approval. This Fuel Reduction Plan will provide for an acceptable level of risk in accordance with California Department of Forestry standards. Fuel reduction can be achieved through a gradual transition from native vegetation into irrigated landscape/building areas of the project. This fuel reduction program shall also establish parameters for the percent, age,

extent, and nature of native plant removal necessary to achieve the accepted fire prevention standards required to protect human lives and property, while preserving as much natural habitat as possible.

- PS-11 The Harbor District or its designated assignee shall be responsible for maintenance of Fuel Reduction Zones where required of new development. Maintenance agreements shall be submitted to the County of San Luis Obispo and the California Department of Forestry for approval.
- PS-12 All water lines shall be designed and installed in accordance with requirements of the County of San Luis Obispo and County Service Area Number 12.
- PS-13 New development on the Harbor Terrace site shall comply with County of San Luis Obispo and County Service Area Number 12 requirements concerning the installation and use of reclaimed water systems for landscape irrigation.
- PS-14 New development shall incorporate native plant species and ornamental species which are drought-tolerant and/or have low irrigation requirements.
- PS-15 If available, reclaimed water shall be utilized to irrigate major landscaped and planted areas. The on-site water distribution system shall be designed and constructed in a manner to provide separate reclaimed water lines. Such a system shall comply with all County of San Luis Obispo and Regional Water Quality Control Board Requirements for the installation and operation of reclaimed water systems.
- PS-16 All wastewater collection lines shall be designed and installed in accordance with requirements of the County of San Luis Obispo and the Avila Beach County Water District.
- PS-17 No new development shall be approved without first providing assurance that adequate capacity exists in Sewage Lift Station #181 located adjacent to Avila Beach Drive. Where necessary, plans for redesign or upsizing of this facility shall be submitted to the County of San Luis Obispo and the Avila Beach Community Services District prior to issuance of building permits.
- PS-18 Development plans shall delineate the number, location, and general design of solid waste enclosures and storage areas for recycled material.
- PS-19 Maintenance of all developed park, open space and recreation facilities on the Harbor Terrace site shall be the responsibility of either the Port San Luis Harbor District or its designee and/or another suitable entity or a combination of the above.
- PS-20 Where applicable all recreational facilities (bluff top parks, etc.) shall be landscaped and, where necessary, irrigated.
- PS-21 New development shall provide parking in accordance with standards established by the Port San Luis Harbor District, the County of San Luis Obispo and the California Coastal Act.
- PS-22 New development shall provide signage to assist the public in locating and recognizing beach access points. The number and design of such signage must conform to standards established by the California Coastal Commission and shall be approved by the Port San Luis Harbor District and the County of San Luis Obispo.

Biological Resources

- B-1. Oak trees removed or damaged by project activities shall be replaced by planting oak trees in areas adjacent to existing oak woodlands outside project grading limits. These oak trees should be grown from locally collected acorns. San Luis Obispo County recommends a 4:1 replacement of oak trees removed or damaged by development activities. Existing oak trees shall be beneficially incorporated where possible in the project landscaping along with other native species.
- B-2. Grading and construction in and adjacent to sensitive native habitat areas shall be minimized. Project grading activities shall generally avoid steep slopes and bluff areas.
- B-3. Construction limits shall be clearly defined and enforced. Oak tree protective measures shall be incorporated by installing construction fencing outside of the drip line of oak trees and preventing any construction or grading

activities from damaging existing oak trees.

- B-4. Projects abutting open, natural areas, will incorporate a buffer zone incorporating fire clearance requirements, and transition zones between introduced and native landscaping. Maintenance of this buffer zone would include prevention of non-native vegetation in the project area from spreading into the native habitats surrounding the site.
- B-5. Initial land-clearing and grading activities shall be scheduled to avoid spring and early summer months in areas where oak woodland or dense coastal scrub border the site. If clearing must occur during this time period, preconstruction surveys shall be conducted to identify nesting birds in coastal scrub and oak woodland habitats within 500 feet of any project grading or related activities (parking, equipment storage, construction office, etc.). If active nests of Cooper's hawk, northern harrier, white-tailed kite, or Bell's sage sparrow are found, construction or related activities shall be postponed within 500 feet of the nest until the young have fledged or the nest becomes inactive.
- B-6. Botanical surveys shall be conducted to determine the presence and distribution of special-status plant species on the Harbor Terrace site prior to project approval. Botanical surveys shall be conducted by a qualified botanist during known flowering periods of plant species listed in Table 5.6-1 and focus on vegetated areas that would be disturbed by the project. If special-status species would be adversely affected by the project, mitigation measures shall include:
 - a. Relocating project components to avoid impacts;
 - b. Preservation of the majority of the population on the project site through a permanent conservation easement; and
 - c. Transplanting individual plants (perennials) or seeds (annuals) from impact areas to restoration areas.

Measure a. should be implemented if the plant is threatened or endangered or if a small percentage of the sensitive population on the project site would be affected. Otherwise, measures b. or c. may be implemented.
- B-7. Native landscaping shall be designed and installed to discourage pedestrian access from the Harbor Terrace site into adjacent native habitats. In addition, if pets are allowed, designated pet areas shall be incorporated into the design of new development so pets are not allowed into nearby habitat areas or buffer zones that support native wildlife.

Air Quality

- AQ-1 The Harbor District shall, to the extent feasible, separate sensitive land uses from significant sources of air pollution.
- AQ-2 The Harbor District shall submit environmental documents to the San Luis Obispo County Air Pollution Control District for review and comment in accordance with the California Environmental Quality Act prior to consideration for approval.
- AQ-3 The Harbor District shall promote and encourage the use of alternate modes of transportation by incorporating public transit, bicycle, and pedestrian modes in new development.
- AQ-4 The following measures shall be applied to reduce impacts related to PM₁₀ and NO_x emissions from project construction to the extent feasible.
 - a. Equipment Emission Control Measures. To the extent feasible, newer construction equipment (manufactured after 1990) shall be used that produces fewer emissions, especially for the highest emitting piece of diesel-fired heavy equipment. In any case, all equipment shall be properly tuned and maintained. Additional measures that would reduce construction-related emissions include, but are not limited to:
 - 1. Retarding fuel injection timing two degrees from the manufacturer's recommendation.
 - 2. Using high pressure fuel injectors.
 - 3. The use of reformulated diesel fuel.
 - 4. The use of Caterpillar pre-chamber, diesel-fired engines (or equivalent low NO_x engine design) in heavy equipment used to construct the project to further reduce NO_x emissions.
 - b. Dust Control Measures. Dust generated by construction activities shall be kept to a minimum by full implementation of the following measures:

1. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used when necessary to prevent dust from leaving the site and to create a crust after each day's activities cease;
2. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the morning and after work is completed for the day and whenever wind exceeds 15 miles per hour;
3. Stockpiled earth material shall be sprayed as needed to minimize dust generation.
4. During construction, the amount of disturbed area shall be minimized.
5. Onsite vehicle speeds should be reduced to 15 mph or less;
6. Exposed ground areas that left exposed after project completion should be sown with a fast-germinating native grass seed and watered until vegetation is established;
7. After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to minimize dust generation until the area is paved or otherwise developed so that dust generation will be minimized;
8. Grading and scraping operations shall be suspended when necessary to minimize dust generation;
9. All roadways, driveways, and sidewalks associated with construction activities should be paved as soon as possible. In addition, building and other pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

Visual Resources

Local Coastal Plan (LCP)

Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas, restored where feasible.

Site Selection for New Development. Permitted development should be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors.

Development On Coastal Bluffs. New development on bluff faces shall be limited to public access stairways and shoreline protection structures. Permitted development shall be sited and designed to be compatible with the natural features of the landform as much as feasible. New development on bluff tops shall be designed and sited to minimize visual intrusion on adjacent sandy beaches.

Coastal Zone Land Use Ordinance (CZLUO)

- *Parcel Size for Highly-visible sites.* New land divisions where the only feasible building site would be on a slope or ridgetop where a building would be silhouetted against the skyline as viewed from a public road shall be prohibited as required by Visual and Scenic Resources Policy 4 of the Local Coastal Plan. [p.4-7]
- *Blufftop Setbacks.* New development or expansion of existing uses proposed to be located adjacent to a beach or coastal bluff shall be located in accordance with the setbacks provided by this section instead of those provided by Sections 23.04.110 or 23.04.112. The required setback shall be the larger of the two required by subsections a. and b. of this section.

Stringline setback method:

Bluff retreat setback method:

- *Landform alterations within public view corridors.* Grading, vegetation removal and other landform alterations shall be minimized on sites located within areas determined by the Planning Director to be public view corridors from collector or arterial roads. Where feasible, contours of finished grading are to blend with adjacent natural terrain to achieve a consistent grade and appearance.
- *Final contours.* Contours, elevations and shapes of finished surfaces are to be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Border of cut slopes and fills are to be rounded off to a minimum radius of five feet to blend with the natural terrain.
- *Revegetation.* Where natural vegetation has been removed through grading in areas not affected by the landscape requirements, and that are not to be occupied by structures, such areas are to be replanted.

- *Tree removal within public view corridors.* Tree removal within public view corridors (areas visible from collector or arterial roads) shall be minimized in accordance with Visual and Scenic Resources Policy 5.
- *Underground utilities.* Utilities serving new development shall be installed underground rather than by the use of poles and overhead lines, and where applicable shall be installed in accordance with California Public Utilities Commission rules and regulation. This requirement applies to electrical service and telecommunications (including cable TV, telephone and data transmission) connections between utility company distribution lines and all proposed structures on a site, and all new installations that distribute utilities within a site.
- *Camping facilities.* Density will be set by the Review Authority where Development Plan or Minor Use Permit approval is required, to a maximum of one unit per acre, which is also to be the maximum density for incidental camping of less than 10 units. All camping facilities and activities are to occur no closer than 1,000 feet from any property line or public road. [8-50]

Measures Included in the Project Description

Harford Pier

- *All new development shall abide by the adopted Harford Pier Design Guidelines (Appendix F of the Port San Luis Harbor District Master Plan).*
- *Private enterprises shall maintain the appearances of structures, fencing, signage, and areas around buildings to enhance appearance.*

Harford Landing

- *Screen storage, dumpster, recycling stations, and service areas from public view with a combination of fencing, walls, roof structure, and landscaping.*
- *Phase out chain link fencing. Where chain link fencing is needed for security purposes, it shall be designed with wood poles instead of the standard metal poles.*
- *Construct buildings and other structures with quality design materials that reflect an attractive rural maritime character. Use native or other appropriate coastal vegetation for landscaping.*
- *Consider judiciously adding signage, paving, or striping to indicate pedestrian connections between the East Parking Lot, restaurant, Administration building, Harford Pier to the water's edge, and other Port properties.*
- *Incorporate amenities such as lighting, benches, bike racks, trash, and recycling containers.*

Beach and Bluff Planning

- *If fencing is needed for safety or to delineate areas at either overlook, it should be compatible with the maritime character or the Port and have minimal view obstruction.*
- *When landscaping is used it should be native, durable, compatible with marine climate, and control soil erosion.*
- *Incorporate modest amenities such as benches, trash containers, and picnic tables.*

Harbor Terrace

- *Construct buildings and other structures with quality design and materials that are compatible with the waterfront character of Port San Luis.*
- *Use primarily native and other appropriate coastal vegetation for landscaping.*
- *Screen as recommended in the Harford Pier sub-area section above.*
- *Site structures, uses utilities, and roads to reduce visual impacts.*
- *Minimize visual impacts of new buildings by allowing uses to be divided into smaller components on the site and by incorporating variation in wall plane, wall height, and roof forms.*
- *Consider views to the site from public roads and offshore areas.*
- *Site harbor uses with sensitivity to visitor views from upper terraces to lower areas.*
- *Use latest lighting technology to decrease brightness.*
- *Discourage the use of chain link fencing. If chain link fencing is necessary, incorporate design elements such as landscaping and wooden posts to make it more attractive.*

Additional Recommended Measures

- V-1. Grading shall be designed to conserve natural topographic features and appearances by means of land sculpturing to blend graded slopes and benches with natural topography.
- V-2. Construction equipment and staging areas for the development of the Harbor Terrace and Avila parking lot sites shall be stored and located in the least visually prominent location on site. and/or screened from public view.

- V-3. Lighting shall be hooded and designed to shine downward. To the extent practical, parking lot lighting shall be confined to the project site and shall be designed and oriented to ensure safety within the parking lots, access and pedestrian walks. Lighting will be installed with the minimum foot-candles necessary to ensure safety.

Hazardous Materials

- HAZ-1 The use, transport, storage and disposal of hazardous materials on all Harbor District property shall be carried in accordance with the provisions of all applicable federal, State and local laws and regulations.
- HAZ-2 During project grading in areas known to contain contaminants, monitoring of earthwork shall be performed to determine if levels of BTEX or other compounds of interest to the APCD (lead, volatile organic compounds such as gasoline and solvents, and asbestos exceed established exposure thresholds.
- HAZ-3 Grading shall either be performed during the dry season or will be subject to specific erosion control measures (see "Mitigation Measures" in Drainage and Watershed Resources) to prevent erosion of the soil and possible transport of contaminated soils into off-site watercourses.
- HAZ-4 Any oil-contaminated soil discovered during construction shall be disposed off-site at an appropriate facility or used as fill in parking lots or roadways. Areas of finished grade shall not have any surface exposures of oil-contaminated soils. Any activities involving remediation or the handling and disposal of hazardous materials or waste shall comply with all relevant regulations and permitting requirements of the Air Pollution Control District prior to the commencement of such activities.
- HAZ-5 Vapor barriers shall be placed below the foundation of all new structures in order to eliminate the potential for vapors entering any buildings.
- HAZ-6 Where new construction may occur on soils expected to contain asbestos, an Asbestos Health and Safety Program for project construction activities shall be developed and submitted to the San Luis Obispo APCD for review and approval prior to the commencement of project grading. This program shall include the following elements:
1. Preparation of a sampling and survey work plan. Elements of this work plan should include, but are not limited to: geologic mapping of the site, sampling strategy, and lab analysis methodology.
 2. Conduct sampling and survey activities and perform the required lab analysis. Results of these activities shall be submitted to the District for review 30 days prior to start of construction.
 3. If ACM is determined to be present, an Asbestos Health and Safety Program for construction activities in serpentinite to comply with State and Federal law will be required. Work plan elements should include, but are not limited to:
 - construction and project strategy to *prevent* emissions to ambient air
 - notice to APCD of project start date ten working days in advance;
 - protection methods used to prevent worker exposure; and
 - a California certified asbestos environmental monitor or registered geologist with asbestos certification to be present on-site during construction activities to identify potential unmapped or subsurface serpentinite and to initiate APCD contractor/worker emergency procedures, if required.

The Asbestos Health and Safety Program must reduce potential impacts associated with naturally-occurring asbestos to a less than significant level.
 4. If ACM is determined to be present, no ACM is to be used as surface layer material on any part of the project (road beds, house pads, landscaped areas,
 5. If ACM is determined to be present, notification to employees and patrons that ACM is present shall be required.
 6. If ACM is not found in the serpentine deposits on-site, the following items are required:
 - the preparation of an emergency work plan to address potential unmapped or subsurface serpentinite.

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- a certified asbestos environmental monitor or registered geologist with asbestos certification shall be present during construction activities to initiate emergency work plan if necessary, and
- APCD shall be notified of project start date.

- HAZ-7 A demolition asbestos survey will be conducted prior to any modifications or demolition of the on-site buildings or storage yards, in accordance with federal NESHAP regulations. The asbestos survey will be conducted by a California-licensed asbestos consultant. If asbestos-containing materials (ACM) are found in the on-site buildings or storage yards, the ACM must be abated prior to the commencement of demolition activities. Abatement activities will be conducted by a California-licensed asbestos abatement contractor. ACM wastes will be disposed at a properly licensed disposal facility.
- HAZ-8 A lead-based paint survey will be conducted prior to commencement of demolition activities. The survey will be conducted by a California-licensed lead consultant. If lead-based paint is identified on the building materials, the paint may be required to be abated prior to demolition if found to be in poor condition. Waste materials containing lead-based paint will be properly characterized for disposal to determine if the material exceeds state or federal hazardous waste thresholds.
- HAZ-9 On-site electrical transformers will be inspected prior to commencement of demolition activities to determine whether they may contain PCBs. Any unlabeled transformer shall be assumed to contain PCBs unless proven otherwise through testing or information from the manufacturer. PCB-containing transformers will be disposed as federal hazardous wastes.
- HAZ-10 Fluorescent light ballasts will be inspected prior to commencement of demolition activities to determine if the ballasts could contain PCBs. Unlabeled ballasts shall be considered PCB containing unless proven otherwise through testing or information from the manufacturer. PCB-containing ballast will be disposed as federal hazardous wastes.

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